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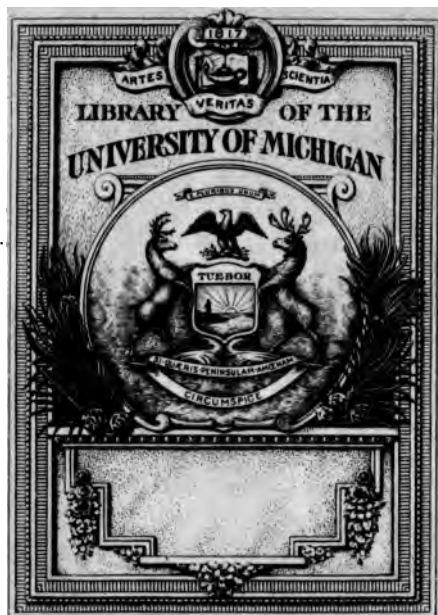
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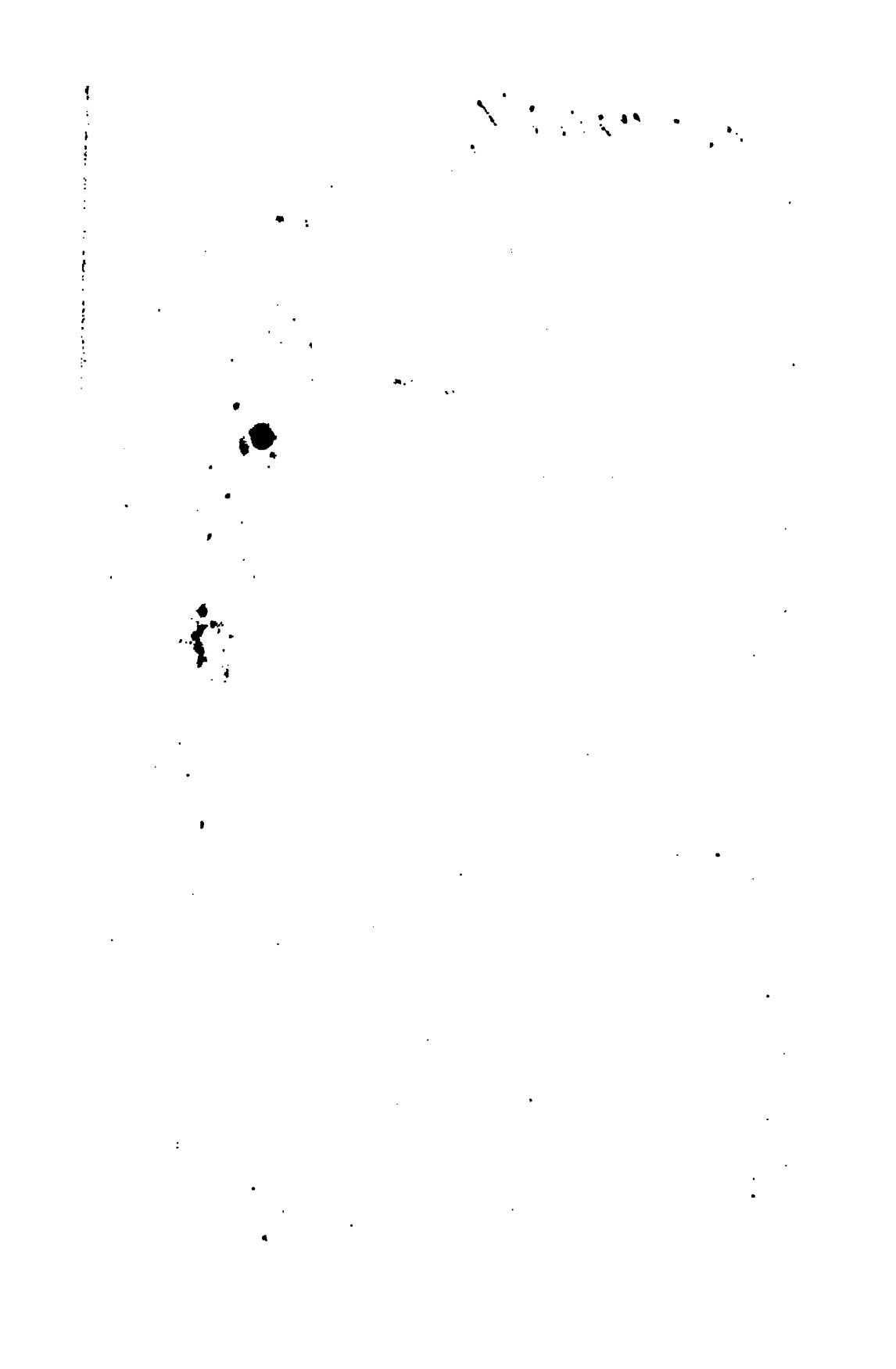
THE GIFT OF  
Mrs. Franklin Davis

Summons



• 944 88. 11. 22. 1

*Bonds.*



*affidav*  
ACTS

OF

THE LEGISLATURE

OF THE

STATE OF MICHIGAN, *Laws, statutes  
etc*

PASSED AT THE ANNUAL SESSION OF 1844.

WITH AN

APPENDIX,

CONTAINING THE TREASURER'S ANNUAL REPORT.

BY AUTHORITY.



DETROIT.

BAGG & HARMON, PRINTERS TO THE STATE.

1844.

K  
M62

A2

18411

13.5.57

Replace.

Miss Thompson leaves

6-5-38

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# LAWS OF MICHIGAN.

## No. 1.

### AN ACT to provide for the payment of Officers and members of the Legislature.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and is hereby appropriated out of any moneys in the state treasury, the sum of fifteen thousand dollars, for the payment of members and officers of the legislature for the present year, and for defraying the incidental expenses thereof. \$15,000 dollars appropriated for payment of officers and members & for incidental expenses

Sec. 2. The state treasurer is hereby authorized and directed, out of the appropriation aforesaid, to pay the members of the legislature for the present year, from time to time upon the certificate of the President of the Senate and Speaker of the House of Representatives respectively, such sums as may be due to the several members thereof, at the rate of three dollars per day and three dollars for every twenty miles travel, to and from the capitol: And to the President of the Senate, to be certified by the Secretary of the Senate, and to the Speaker of the House of Representatives, to be certified by the Clerk thereof, six dollars per day each, and travel as aforesaid: And to the Secretary of the Senate, and Clerks and Sergeants at Arms of the two Houses respectively, three dollars per day each: and to the Messengers of said Houses, one dollar per day each: and to the Firemen of said Houses, one dollar and fifty cents per day, each, on the certificate aforesaid. State treasurer authorized to pay members on certificate of Speaker of the H. and of President of Senate respectively. \$3 per day each. Presd't of Senate and S. of H. to be paid \$6 per day, Sec of S., at Arms of both houses to be paid \$3 per day each, messengers \$1 per day, firemen \$1.50 per day each.

Sec. 3. The State Treasurer is hereby authorized to make any transfer of funds that may be necessary for the purposes of this act. S. Treas'r. authorized to change funds.

## LAWS OF MICHIGAN.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved January 15, 1844.

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No. 2.

**AN ACT to attach certain lands to the township of Georgetown.**

Frac. sec. 1  
12 and 13 s  
6, n r 13 w  
attached to  
township of  
Georgetown

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the county of Ottawa, included in the fractional sections, number one, twelve and thirteen, in township number six north, of range number thirteen west, lying on the north side of Grand River, be and the same is hereby attached to the township of Georgetown in said county.

Sec. 2. All acts and parts of acts contravening the provisions of this act be and they are hereby repealed.

Approved January 19, 1844.

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No. 3.

**AN ACT to provide for the claim of Alfred French.**

Auditor Gen  
eral authori  
sed to pay  
the claim in  
summer pre-  
vided in sec.  
6, chapter 6,  
title 1, part  
4, rev. sta-  
tutes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the claim of Alfred French for services and expenses in the apprehension of Ira B. Strong upon the requisition of the Governor of this state, be audited and allowed at such sum as the auditor general shall deem reasonable, and paid in the manner provided in section six, chapter six, title two, part four of the revised statutes.

Approved January 19, 1844

LAWS OF MICHIGAN.

No. 4.

AN ACT to amend the charter of the village of Marshall.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five, of an act entitled "an act to amend an act, entitled an act to amend an act to incorporate the village of Marshall, and for other purposes," approved March eighth, eighteen hundred and forty-three, be, and the same is hereby repealed. Section 5 of act, repealed.

Sec. 2. This act shall take effect from and after its passage.

Approved January 24, 1844. •

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No. 5.

AN ACT to extend the time for the collection of taxes in the counties of Genesee, Clinton, Shiawassee, Kent, Lapeer and St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes for the year eighteen hundred and forty-three, in the several townships of the counties of Genesee, Clinton, Shiawassee, Kent, Lapeer and St. Clair, in this State, is hereby extended until the first Monday in March next. Time extended to Monday in March, 1844.

Sec. 2. The treasurers of the several townships in the counties of Genesee, Clinton, Shiawassee, Kent, Lapeer and St. Clair, are hereby authorized and empowered to proceed and collect said taxes, as fully as they could do during the life time of their warrants, and make their returns thereon at any time before the first Monday in March next. Township treasurers authorized to collect taxes.

Sec. 3. It shall be the duty of the treasurers in the several townships of the counties of Genesee, Clinton, Shiawassee, Kent, Lapeer and St. Clair, before they shall be entitled to the benefits of this act, to renew their official bonds to the satisfaction of the county treasurers of the counties of Genesee, Clinton, Shiawassee, Kent, Lapeer and St. Clair. Township treasurers to renew their official bonds.

## LAWS OF MICHIGAN.

4.

Sec. 4. All highway taxes in the county of Clinton which have been rejected for the tax of any previous year and re-assessed with the tax of eighteen hundred and forty-three, and now in the hands of the several township treasurers for collection, may be paid in labor upon the road in the highway districts where said lands are situated, upon application being made to the overseer of said district by the person against whom the tax is assessed, which overseer is hereby authorized and required to contract with such applicant at a just and fair compensation, by the day or otherwise, for so much labor as shall be necessary to pay the amount of said tax, and upon the completion of said work, said overseer shall give to said applicant a receipt specifying the land and the amount paid, which receipt when presented to the collecting officer, and upon payment of all legal charges, shall be in full for said tax.

Highway taxes rejected and re-assessed may be paid in labor.

Overseer to give receipt when payment of tax in labor and receipt to be evidence in full.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 24, 1844.

### No. 6.

#### AN ACT relative to Slander.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the words charging any female with a want of chastity, shall be deemed to be actionable in themselves and shall subject the person who shall utter and publish such words, to an action on the case for slander in the same manner as the uttering and publishing of words charging the commission of a criminal offence.

Words charging any female with want of chastity made actionable in themselves.

Approved January 26, 1844.

No. 7.

**AN ACT** to amend an act entitled "An act to authorize the erection of a Toll Gate, and for keeping in repair the Detroit and Saginaw Road, and for other purposes, approved March eighth, eighteen hundred and forty-three."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the second section of the act to which this is amendatory be so amended as to make it the duty of the Superintendent to put and keep in good repair in the manner prescribed in said section, the road mentioned in said act from the grand circus in the city of Detroit to John Davis' tavern, in the town of Royal Oak.

Road to be kept in repair from grand circus Detroit, to John Davis' tavern in Royal Oak.

Sec. 2. That there be added to the rates of toll enumerated in the fifth section of said act as follows, to wit: for every cart, waggon, or carriage drawn by one horse, six and one fourth cents.

Addition to rates of toll.

Approved January 26, 1844.

No. 8.

**AN ACT** to amend "an act to provide for the laying out of a certain state road and for other purposes," approved April thirteenth, eighteen hundred and forty-one.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles Broas, Zenas G. Windsor and Samuel Demarrest, be and they are hereby authorized to lay out and establish a state road from the village of Lyons, in the county of Ionia, via. Millport bridge in the township of Otisco, and continuing on the most eligible route through the township of Plainfield on the north side of Grand River to Grand Rapids, in the county of Kent, and file the survey of so much of the said road in the office of the township clerk of each township, through which said road shall pass, as shall be laid out in such township, "provided that no expense incurred in laying out, establishing or constructing said road, shall be chargeable to the state."

State road authorized to be laid out and established from Lyons Ionia co. to Grand Rapids Kent co.

No expense chargeable to the state.



LAWS OF MICHIGAN.

Sec. 2. Be it further enacted, that the further time of two years be granted to the aforesaid persons for the laying out and completion of said road.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 29, 1844.

No. 9.

AN ACT to punish persons criminally who are guilty of seduction or adultery, and for other purposes.

Any married man who shall seduce and beget with child any unmarried woman under the age of 21 years, deem'd guilty of a high misdemeanor.

Punishment

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any married man who shall seduce and beget with child, any unmarried woman under twenty-one years of age shall be guilty of a high misdemeanor, and upon conviction thereof, shall be punished in the state prison for a term not exceeding five years, or by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding two thousand dollars or by both such fine and imprisonment in the county jail in the discretion of the court.

Any married man who seduces an unmarried woman over 21 years.

Punishment

Sec. 2. Any married man who shall seduce and beget with child, any unmarried woman over twenty-one years of age, shall be guilty of a high misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding three years, or by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the county jail, in the discretion of the court.

Unmarried man with unmarried woman under 21.

Punishment

Sec. 3. Any unmarried man who shall seduce and beget with child any unmarried woman under twenty-one years of age, shall be deemed guilty of a high misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding three years, or by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the county jail in the discretion of the court.

## LAWS OF MICHIGAN.

Sec. 4. Any unmarried man who shall seduce and beget with child any unmarried woman over the age of twenty-one years, shall be deemed to be guilty of a high misdemeanor, and upon conviction thereof shall be punished by imprisonment in the state prison for a term not exceeding two years or by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment in the county jail in the discretion of the court.

Unmarried man with unmarried woman over 21 years.

Punishment

Sec. 5. Any man who shall seduce and carnally know any married woman not being his wife, or who shall seduce and abscond with any married woman not being his wife, shall be deemed guilty of a high misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the state prison for a term not exceeding three years or by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding two thousand dollars, or by both such fine and imprisonment in the county jail, in the discretion of the court.

Any man seducing or absconding with any married woman.

Punishment

Sec. 6. Any man who shall seduce and carnally know any unmarried woman, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding two years, or by fine not exceeding two thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Any man who shall seduce any unmarried woman.

Punishment

Sec. 7. Any married man who shall have sexual intercourse with, and carnally know any woman not being his wife, and any unmarried man who shall have sexual intercourse with, and carnally know any married woman, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment in the discretion of the court.

Married man sexual intercourse with any woman not his wife, and unmarried man with married woman.

Punishment

Sec. 8. Any married woman who shall have sexual intercourse with any man not being her husband, or who shall voluntarily leave her husband and abscond with any other man, shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding two years

Any married woman who shall have sexual intercourse or abscond with any man not her husband.

Punishment

LAWS OF MICHIGAN.

Evidence of  
character  
for chastity  
may be giv-  
en.

Sec. 9. It shall be competent for any person who shall be indicted under the first six sections of this act, to give in evidence on the trial of such indictment, the prior character for chastity of the woman whom such persons shall be charged with having seduced.

Evidence of  
character  
for chastity  
may be giv-  
en.

Sec. 10. It shall be competent for any person who shall be indicted under the provisions of the seventh section of this act, to give in evidence on the trial, the prior character for chastity of the woman

Evidence of  
bad charac-  
ter for chas-  
tity shall go  
to credibility  
of witness.

with whom such sexual intercourse is charged to have been had, in case she shall be a witness on the trial; and evidence of her bad character for chastity shall go to her credibility as such witness.

No prosecu-  
tion shall be  
commenced  
after one y'r

Sec. 11. No prosecution shall be commenced under the provisions of this act after one year from the time of the commission of the offence.

Approved February 5, 1844.

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No. 10.

AN ACT to amend an act entitled an act authorizing William W. Bliss, administrator of Hervey Bliss, deceased, to convey certain real estate, approved February 22. 1843.

Act amend-  
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section one, of the act to which this act is amendatory, be, and the same is hereby amended by adding after the word "named," in the seventh line of said section the following words: "or in any person to whom the interest of any person in said act named has been assigned in any manner whatever.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 8, 1844.

LAWS OF MICHIGAN.

No. 11.

AN ACT to provide for the payment of entry and Jurors' fees.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That hereafter in each civil cause which shall be commenced in the circuit court for any county, there shall be paid to the clerk of the county, for the use of the county, an entry fee of two dollars, before the clerk shall docket the case; and in each cause in which a jury shall be empannelled, a fee of three dollars shall be paid by the plaintiff as soon as the jury are sworn.

Entry fee to be paid before clerk shall docket case. Jury fee to be paid by plaintiff.

Sec. 2. That each grand and petit juror, other than talesmen, shall hereafter receive as the only compensation to be paid him for his services as such grand or petit juror, one dollar for each day's attendance upon any court of record, and six cents for each mile necessarily travelled in going to court, to be computed by the most usually travelled route from the residence of the juror to the place of holding such court.

Jurors to receive \$1 per day each, and 6 cents per mile travelling fee.

Sec. 3. Any person called or summoned as a talesman, who shall sit as a juror for the trial of any civil or criminal cause in any court of record, shall be paid for such service in each cause, the sum of twenty-five cents only, together with six cents for each mile necessarily travelled in going to the place of holding the court; but talesmen shall in no case be paid any travelling fee unless they shall necessarily travel in going to the court at least one full mile.

Talesmen to receive 25 cents for each cause in which he shall sit as a juror, and 6 cents per mile for travel.

Sec. 4. If any petit juror who shall hereafter be summoned to attend upon any court of record and who shall have appeared in attendance upon such court, shall, at any time during the session in which he may so have appeared, fail to answer to his name when called by the clerk or court, the court or clerk shall immediately thereupon make an entry of the absence of the juror in the journal of the court, and for the day on which such failure is made he shall not be paid any compensation for service as a juror, unless, on cause shown, the court shall otherwise order.

Petit jurors failing to answer to their names to be allowed no compensation unless awarded by court.

Sec. 5. Jurors in each civil cause tried before any justice of the peace, shall each be paid twenty-five cents, to be paid by the party calling for such jury at the time, and in the manner prescribed in the

Payment of jurors before justice of the peace provided for.

Before c'ts  
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Forcible en-  
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Sec 38, chap  
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Law relat'g  
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fifty-fourth section of an act entitled "an act to prescribe the powers and duties of justices of the peace in civil proceedings," approved April 9th, 1841; and each juror in any court of special sessions shall receive fifty cents for his services, which shall be paid by the treasurer of the county, on the certificate of the justices, or one of the justices who tried the case; and in each case of forcible entry and detainer, or forcible detainer, and in every case of unlawfully holding any lands or tenements, each juror shall receive the sum of twenty-five cents, which shall be paid by the complainant before the jury shall render their verdict, and taxed in the costs of the proceedings.

Sec. 6. That the clerk of the court shall, on the first Monday of each month, pay to the treasurer of the county all the moneys which may come into his hands under this act.

Sec. 7. That section thirty-eight of chapter five, title two, part three of the revised statutes, shall be, and the same are hereby revived and continued in force.

Sec. 8. That section two of an act entitled "an act to provide for the issuing and return of venires, the payment of jurors, appointment of circuit court commissioners, and for other purposes," approved March 9, 1843, and section 20 and 23 of an act entitled "an act to regulate and prescribe the amount of fees," approved April first, 1840, and so much of section twenty-four of an act entitled "an act to provide for the organization of courts of special sessions, and to define their powers and duties," approved March 19th, 1840, as relates to fees of jurors, and an act entitled "an act to amend chapter five, title three, part three, of the revised statutes, entitled of forcible entry and detainer," approved February 15th, 1842, and so much of any other act or law now in force as provides for the payment of jurors, or the fees in this act provided for, or as is inconsistent with, or contravenes the provisions of this act, be, and the same are hereby repealed.

Approved February 14, 1844.

LAWS OF MICHIGAN.

21

No. 12.

**AN ACT** to extend the time for the completion of the  
Havre Branch railroad.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the completion of said road, limited by section five of an act entitled "an act to alter the route of the Havre Branch railroad, and for other purposes," approved March 24, 1840, be, and the same is hereby extended for the term of three years, from and after the passage of this act.

Time extended three years.

Sec. 2. That said section five, and all acts and parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

Approved February 16, 1844.

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No. 13.

**AN ACT** to amend an act entitled "an act to provide for the issuing and return of venires, the payment of jurors, the appointment of circuit court commissioners, and for other purposes," approved March 9, 1843.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four of an act entitled "an act to provide for the issuing and return of venires, the payment of jurors, the appointment of circuit court commissioners, and for other purposes," approved March 9, 1843, be and the same is hereby amended, by striking out the word "writ" in the sixth line thereof, and inserting the word "affidavit."

Section 4 amended.

Sec. 2. Section eight of the act to which this is amendatory, shall be, and the same is hereby amended so as to read as follows :

Section 8 amended.

"Inquests or assessments may be taken at the proper circuit in all actions founded upon contract express or implied ; unless the defendant, his agent or attorney shall, on or before the first day of the term at which such cause is noticed for trial, file with the clerk an affidavit, setting forth that such defendant has a good and substantial defence on the merits, to the action of the plaintiff, or to some portion

of the plaintiff's claim therein, as he is advised by the council and verily believes."

Sec. 3. Sections twelve, seventeen and eighteen of the act to which this act is amendatory, be, and they are hereby repealed.

Sections 12,  
17 and 18  
repealed.

Sec. 4. Section three of the act to which this is amendatory is hereby amended so as to read as follows :

Section 3 a-  
mended.

"A circuit court commissioner shall be appointed by the Governor, by and with the advice and consent of the Senate, in each of the organized counties of this State, who shall hold his office for two years, and until his successor shall be appointed, and shall have power to direct bail and take the acknowledgements thereof, to grant a stay of proceedings, to allow writs of habeas corpus, and proceed thereon, to allow writs of certiorari, for the removal of judgments from justices courts, to settle interrogatories on commission, to take depositions of witnesses, and to tax bills of costs, and no associate judge of any county, unless he shall be a commissioner under this act, shall hereafter have authority to perform any of the duties imposed upon such commissioners."

Approved February 20. 1844.

#### No. 14.

AN ACT to amend an act entitled "an act to incorporate the village of Jackson," approved March 7th, 1843.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section first of an act entitled

Section 1 a-  
mended.

an act to incorporate the village of Jackson, approved March 7th, 1843, be and the same is hereby amended by striking out all that part of said section from and including the words "all that tract," in the third line of said section to and including the words "range one west," in the sixth line of said section, and inserting in lieu thereof such words as will make the whole of said section read as follows: "Section 1. That so much of the township of Jackson as is included in the following boundaries, to wit: commencing at a point on the township, line two hundred and forty rods west of the northeast corner of

section three, in township three south of range one west, from thence running north on the west line of the east half of the southwest quarter of section thirty-four in township two south of range one west to the quarter post line one hundred and sixty rods, thence east on the east and west quarter post line running through the centre of sections thirty-four and thirty-five in town two south of range one west, four hundred and forty rods, thence south parallel with the east line of the west half of the south east quarter of said section 35, one hundred and sixty rods to the south line of said section and township two south, thence south parallel with the east line of the west half of the north east quarter of section two in township three south of range one west to the quarter post line of said last named section, supposed to be one hundred and sixty rods, thence west on the east and west quarter post line of said section two and section three, four hundred and forty rods thence north on the west line of the east half of the north west quarter of section three town three south, range one west, to the north line of said section three at the place of beginning, supposed to be one hundred and sixty rods, shall be and the same is hereby constituted a town corporate by the name and title of the village of Jackson.

Sec. 2. The president or recorder of said village are hereby authorized and empowered to administer the oath to electors contemplated by the fourth section of said act, and any person who shall knowingly and falsely take such oath shall be guilty of perjury, and on conviction thereof shall be liable to the same pains and penalties as are provided for the punishment of that crime by the laws of this state.

Sec. 3. The eighth section of said act shall be and the same is hereby amended by inserting at the end of said section to stand as a part of it the words following, to wit: "And the common council of said village are hereby empowered and authorized to license so many persons as tavern keepers, common vitulars or retailers of spirituous and fermented liquors as they may from time to time deem advisable, under such restrictions and regulations as the said common council shall by public ordinance establish, and all licenses to expire on the last day of April in each year." Section 8 amended.

Sec. 4. The fifteenth section of said act shall be and the same is hereby amended by striking out the word "quarts," in the second Section 15 amended.



line of said section and inserting in lieu thereof the word "gallons."

**Section 21  
amended.**

Sec. 5. The twenty-first section of said act shall be and the same is hereby amended by inserting between the word "collected" and the word "shall" in the seventh line of said section, the words following, to wit: "upon said property," and also by inserting between the words "satisfy" and "the" in the nineteenth line of said section the words following, to wit: "such taxes and."

**Section 23  
amended.**

Sec. 6. The twenty-third section of said act shall be and the same is hereby amended by striking out the words "to make" in the first line of said section, and inserting in lieu thereof the word "from," and also by striking out the word "and" in the second line of said section.

**Section 26  
amended.**

Sec. 7. The twenty-sixth section of said act shall be and the same is hereby amended by striking out the word "from" in the third line of said section, and inserting in lieu thereof the word "them," and also by striking out the word "fifty" in the ninth line of said section, and inserting in lieu thereof the word "sixty."

**Fire ward-  
ens.**

Sec. 8. The common council shall have power for the more perfect organization of the fire department of said village, to appoint fire wardens who shall be clothed with powers and subject to such duties relative to the prevention of fires in said village as the common council shall by ordinance direct.

**Publications.**

Sec. 9. Before any by-law or ordinance of said village shall hereafter take effect, it shall receive at least three insertions in a public newspaper printed in said village, and the printed copy so published under the authority of the common council shall be admitted as *prima facie* evidence thereof in all courts in this State where the same may come in question.

Sec. 10. This act shall be in force and take effect from and after its passage.

Approved February 20, 1844.

• No. 15.

**AN ACT** to amend an "act providing for the final adjustment of all unsettled claims for damages growing out of the internal improvements of the State."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section first of "an act providing for the final adjustment of all unsettled claims for damages growing out of the internal improvements of this State," approved March 8, 1843, be amended by repealing all that part of said section, after the word "adjustment," occurring in the tenth line of said section; and, also, that section 2 be repealed, and the following substituted therefor: "Section 2. The said board of auditors are hereby invested with full authority, and it shall be their duty, to meet on the first Monday of the months of April and October in each year, and to sit together as a legal board, to swear and examine witnesses, take testimony and to inquire fully into, and determine fully, all matters submitted to them, touching any and all claims which may come before them, by virtue of this act; and submit a report of their proceedings to the next succeeding legislature."

Act amended, section 2 repealed, B. of auditors to meet.

Sec. 2. Every person who did not present his claim to, or whose claim was not adjusted by the board of State Auditors, before the first day of October, eighteen hundred and forty-three, as required by the act to which this act is amendatory, may present the same to the board of State Auditors for final adjustment, at any time within one year from and after the passage of this act.

Claims presented in 1 year.

Approved February 20, 1844.

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No. 16.

**AN ACT** to provide for the punishment of bribery and corruption in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if any person shall, by bribery, menace, or other corrupt means or device whatever, either directly or indirectly, attempt to influence any elector of this State in giving his vote or ballot, or to deter him from, or interrupt him in giving the

Bribery—how punished.

same at any election held pursuant to the provisions of law, and be convicted thereof, such person shall be adjudged guilty of a misdemeanor, punishable by fine or imprisonment; the fine not to exceed five hundred dollars, and the imprisonment not to exceed the term of one year.

Section 3 amended. Sec. 2. That section third of an act entitled an act to preserve the purity of elections, and to amend title second of part first of the revised statutes, be, and the same is hereby amended by striking out the words "or who" in the third line of said section, and inserting the following words: "and any qualified voter who," so that the section when amended will read as follows:

"Every person not a qualified voter, who shall at any such election, wilfully give in any vote for any officer then to be chosen, and any qualified voter who, at such election, shall vote or offer to vote in any township or ward in which he does not reside, or shall vote or offer to vote more than once at the same election, either in the same or any other township or ward, or shall hand in two or more votes folded together, shall, on conviction, be adjudged guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars or by imprisonment not exceeding one year, or both as the court may direct."

Approved February 20, 1844.

## No. 17.

### AN ACT to establish certain roads therein mentioned and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That all of the public streets and roads heretofore laid out, surveyed and included in the corporate limits of the village of Mt. Clemens, Macomb county, shall be and they are hereby confirmed and constituted public highways to all intents and purposes, to the width and extent originally surveyed, and every street laid out, surveyed or platted and recorded in the office of the Register of deeds in any and all of the plats of said village, or any parts thereof, known as the original survey, Mulletts survey and Eldridge's addition, shall be and they are hereby confirmed as public

highways as in said plats marked and laid down, and it shall be and hereby is made the duty of the highway commissioners of the township in which said village is located, to exercise the same powers touching or relating to any of said roads or streets in said village, as they now exercise by law in respect to other roads in said township, and all damages claimed in consequence of the doings of said commissioners, in and by virtue of this act, may be claimed and recovered in the same manner as is now provided by law for claimants in other like cases.

Certain streets declared public highways.

Sec. 2. That the act entitled "an act to incorporate the village of Mt. Clemens," approved March 13th, 1837—and all other acts or parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Act incorporating Mt. Clemens repealed.

Approved February 24, 1844.

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No. 18.

**AN ACT to change the name of the township of Canaan.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of all that part of the county of Hillsdale embraced in township eight and fractional township nine south, of range number one west, now known and designated by the name of the township of Canaan, be and the same is hereby changed to the name of Wright.

Canaan changed to Wright.

Sec. 2. All acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.

Approved February 24, 1844.

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No. 19.

**AN ACT supplementary to an act entitled "an act to amend an act entitled 'an act to provide for the issuing and return of venire, the payment of jurors, the appointment of circuit court commissioners, and for other purposes,' approved February 20, 1844."**

Section 1. *Be it enacted by the Senate and House of Representatives*

Shall not  
extend to  
cases now  
pending.

*tives of the State of Michigan*, That so much of the act entitled "an act to amend an act entitled an act to provide for the issuing and return of venires, the payment of jurors, the appointment of circuit court commissioners, and for other purposes," approved February 20, 1844, as repeals section twelve (12) of an act entitled "an act to provide for the issuing and return of venires, the payment of jurors, the appointment of circuit court commissioners, and for other purposes," approved March 9, 1843, shall not extend to or effect any cases pending in the supreme court, or under consideration therein before the passage of said first named act; but all such cases shall be heard and decided, and the decisions of the supreme court on the same shall be carried into effect, in the same manner as if said section twelve (12) was still in force and effect.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1844.

## No. 20.

### AN ACT authorizing the receipt of obligations of this State in payment of University lands.

State war-  
rants and  
other evi-  
dences rec'd  
for univer-  
sity lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That hereafter all treasury notes or warrants bearing interest, drawn by authority of law on the treasurer of the State, shall be received in payment of the principal for any of the university lands which may hereafter be sold, in the same manner, and under like restrictions and liabilities as they are now receivable for any of the lands owned by this State: *Provided, however*, not more than one hundred thousand dollars of such notes or warrants shall be received in payment for any such lands: *And provided further*, that the full amount of the price of each purchase may be paid at the time the purchase is made.

Not more  
than \$100,-  
000 rec'd. of  
purchase  
money to be  
p'd at time  
of sale.

Duties of  
treasur de-  
fined.

Sec. 2. The treasurer shall, quarterly, on the first day of January, April, July, and October, make out a statement of the amount of warrants or obligations which have been received in payment of the university lands, with an interest account on the same, and thereupon

LAWS OF MICHIGAN.

19

he shall credit to the university fund the amount of such warrants and the interest accrued thereon.

Sec. 3. The university fund shall, from the date of such credit or credits be relieved from the payment of the interest on an amount of the bonds loaned from the State, equivalent to such credit or credits. University fund relieved from payment of interest.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved February 28, 1844.

No. 21.

AN ACT to provide for the publication of the decisions of the Supreme Court and Court of Chancery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the judges of the supreme court and the chancellor, or any three of them, shall appoint some suitable person as reporter of the decisions of the supreme court and court of chancery, who shall hold his office during the pleasure of the said justices and chancellor, and who shall, before entering on the discharge of his duties, take an oath, to be administered by any one of the said justices, that he will faithfully execute and perform the duties of his said office. To appoint reporter.

Sec. 2. That it shall be the duty of the said justices and of the chancellor, to prepare for the use of said reporter, full notes of all decisions made by them, and which they may deem of sufficient importance to be published, and to communicate the same to the said reporter. Judges and Chancellor to prepare notes and minutes of decisions.

Sec. 3. It shall be the duty of the reporter, faithfully and truly to prepare the said decision for publication, and, whenever it may be material or useful, to procure and accompany with the decisions, notes of the arguments of counsel at the hearing of the cause; and each case shall be reported more or less at large, as, in his judgment, the importance of the case may require. Publication.

Sec. 4. Whenever and as often as the said decisions shall be sufficient to constitute a volume of 600 pages, or, as near thereto as may conveniently be, it shall be the duty of the reporter to procure to be To be published when 600 pages.

printed and published in a neat, substantial and proper form, at the lowest possible price, an edition of one thousand copies of the same ; and on such publication, it shall be the duty of the Auditor General to draw his warrant on the State Treasurer in favor of the reporter, for the cost of publication.

Auditor to draw warrant.

Sec. 5. Of the said reports, one hundred copies shall be deposited by the reporter in the office of the Secretary of State, to be distributed as follows : Two copies to the library of the Congress of the United States ; one copy to the library of each of the several states and territories ; and one copy to be kept in the office of the county clerk of each of the counties of this state ; and the remainder of the said one hundred copies to be deposited in the state library : and the remaining copies of the said reports shall be offered for sale by the said reporter at a price not exceeding three dollars and fifty cents for every copy sold to and for the use of residents of this state, and not exceeding five dollars for every copy sold to go out of the state.

Copies to be distributed.

Sec. 6. The said reporter shall, on the publication of any and each edition, file with the Secretary of State, a bond with two or more sureties, to be approved by the said Secretary, in the penal sum of five thousand dollars conditioned to account with the Auditor General for, and pay over to the Treasurer, such sum or sums of money, as he may receive for the state, by and on account of the sale of said reports.

Reporter to file bonds.

Sec. 7. The reporter shall receive an annual salary of five hundred dollars, payable quarterly out of the state treasury ; and shall also be entitled to the profits arising from the sale of the reports.

Salary.

Sec. 8. All that part of chapter six, title one, part third, of the revised statutes, which provides for the appointment and duties of reporter, and sections nine and ten of an act entitled " An act to provide for the issuing and return of venire, the payment of jurors, the appointment of circuit court commissioners, and for other purposes, " approved March 9, 1843, are hereby repealed.

Act repealed.

Sec. 9. The claim of E. B. Harrington for monies advanced for the publication of the reports of the court of chancery, and for services performed as reporter of the supreme court and court of chancery since the salary of the reporter was suspended, is hereby referred to the State Treasurer, Auditor General and Secretary of

Claim of E. B. Harrington.

State, who are hereby authorized and required to settle with the said Harrington, and give him a certificate for the amount awarded him, and the State Treasurer is hereby authorized and required to pay said sum so awarded out of any monies in the state treasury not otherwise appropriated: *Provided*, Such amount of compensation for services shall not exceed the amount prescribed by the revised statutes.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved February 29, 1844.

## No. 22.

### AN ACT to organize certain townships, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That township eight south, of range nineteen west in the county of Berrien, be and the same is hereby <sup>Galien.</sup> set off and organized into a separate township by the name of Galien, and the first township meeting therein shall be held at the house of James Edson in said township.

Sec. 2. That the name of the township of Faymouth, in the county of Saginaw, be and the same is hereby changed to that of Tay- <sup>Faymouth changed to</sup> <sup>Taymouth.</sup> mouth.

Sec. 3. That the name of the township of Potsdam, in the county of Lenewee, be and the same is hereby changed to that of Riga. <sup>Potsdam changed to Riga.</sup>

Sec. 4. That in all that section of country lying and being within the limits of the county of Marquette, be and the same is hereby set <sup>Carnes.</sup> off and organized into a township by the name of Carnes, and the first township meeting therein, shall be held at the house of S. B. Campbell in said township.

Sec. 5. That all that portion of the county of Michilimackinac, included between the western boundary of said county, and a line running coincident with the "French Grants" in said county, and extended to the northern boundary of said county, be and the same is <sup>Moran.</sup> hereby set off and organized into a separate township by the name of Moran, and that the first township meeting therein, shall be held at the house of Abraham Slocum, in said township.



**Assyra** Sec. 6. All that part of the county of Barry, designated in the United States survey, as townships number one and two north of range seven west, be and the same is hereby set off and organized into a separate township, by the name of Assyra, and the first township meeting therein, shall be held at the house of Cleveland Ellis in said township.

**Township meeting.** Sec. 7. The next annual township meeting in the township of Johnstown in the county of Barry, shall be held at the house of John Culver in said township.

Sec. 8. Also, that portion of the county of Ionia, designated in the United States survey as towns number eight, nine and ten, north of range number five west, (except that portion of town number eight north, aforesaid,) lying south east of Maple River, be and the same is hereby set off and organized into a separate township, by the name of North Plains, and that the first township meeting therein, shall be held at the house of Bartley Dunn, in said township.

**Wakeman changed to Mendon.** Sec. 9. That the name of the township of Wakeman in the county of St. Joseph, be and the same is hereby changed to that of Mendon.

**Boston annexed to town of Keene.** Sec. 10. That all that portion of the township of Boston, in the county of Ionia, lying north of the Grand River, be and the same is hereby annexed to the township of Keene in said county.

Sec. 11. This act shall take effect on the first day of April next.

Approved February 29, 1844.

### No. 23.

**AN ACT** to amend an act entitled "An act to extend the time for the collection of taxes in the counties of Genessee, Clinton, Shiawassee, Kent, Lapeer and St. Clair."

**Act amended.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section three of an act entitled "an act to extend the time for the collection of taxes in the counties of Genessee, Clinton, Shiawassee, Kent, Lapeer and St. Clair," approved January 24, 1844, be amended by adding the following to stand as a part of said section: "And the time for the treasurer

and clerks of the several counties hereinbefore named to prepare the transcript of unpaid taxes and make return of the same to the Auditor General, as provided in the forty-seventh section of an act entitled "an act to provide for the assessment and collection of taxes," approved March 8, 1843, be extended until the first Monday in April next; prior to which time said transcript shall be made, compared, certified and forwarded in the manner directed in said forty-seventh section: And said returns shall be received and proceeded with by the Auditor General, as directed in said act, which proceedings shall be as valid as if the returns had been forwarded prior to the first day of March." Time extended.

Approved February 29, 1844.

## No 24

### AN ACT for the encouragement of Agriculture:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in any county of this state, where the inhabitants thereof have established or may hereafter establish an agricultural society for the encouragement of agricultural pursuits, and raise from said society one hundred dollars annually to be appropriated as premiums for the encouragement of agriculture in the said county, the board of supervisors of said county, at their annual session in each and every year, are hereby authorized, if in their opinion it shall be for the best interests of the county, to raise the like amount of one hundred dollars, which sum shall be collected and paid to the county treasurer in the same manner that other county taxes are collected and paid to said treasurer. Premiums.

Sec. 2. The treasurer of said county shall keep the above one hundred dollars separate and apart from all other moneys in his hands, subject to the order of the president of the said agricultural society in said county, and upon the payment of said money by said treasurer on the order of said president of said society, shall file the said order in his office. Duty of Co. Treasurer.

Sec. 3. The president of the agricultural society in said county, upon the receipt of the said money, shall pay the same over to the proper officer of said agricultural society, authorized by said society to Duty of president of society, &c.

to receive the same, to be added to the said one hundred dollars raised by said society for premiums as above stated, all of which shall constitute a fund called the premium fund, which shall be appropriated annually by said society as premiums for the encouragement of agriculture in said county or counties, which may comply with the provisions of this act; and that all persons residing in said counties where said agricultural societies are or may be established, may be competitors without admission fees.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 2, 1844.

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No. 25.

**AN ACT for the reorganization of the trustees of certain societies of the Methodist Episcopal Church.**

When society shall fail to elect trustees or hold meetings.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever any society shall have organized and appointed trustees for the Methodist Episcopal Church in this State, pursuant to the provisions contained in part first, title ten, chapter one of the revised statutes, and shall have afterwards failed, or may hereafter for any reason, fail to hold their annual meeting or elect trustees pursuant to such provisions; and shall have appointed, or shall hereafter appoint, new trustees under the provisions of an act entitled "an act to amend chapter first, title tenth, part first of the revised statutes, of religious societies," approved February 15, 1840, the corporate property of such society shall vest in the board of new trustees so appointed, and shall be held by them and their successors in office for the use and benefit of such society, the same to all intents and purposes, as if there had been no failure in electing such trustees at the proper time.

Approved March 2, 1844.

## No. 26.

**AN ACT to provide for consolidating and revising the general laws of the State of Michigan.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Judges of the supreme court and Chancellor of the State, or a majority of them, shall appoint a man learned in the law, to be a commissioner to consolidate and revise the general laws of this State; which commissioner, together with the Chancellor, and the presiding Judge of the first circuit, shall constitute a council of revision, under the direction of whom the said commissioner shall prepare and arrange the said laws, with such modifications, amendments, and additions, as said council of revision shall agree upon and adopt, and shall report the same to the legislature at the commencement of its annual session in the year one thousand eight hundred and forty-six.

Appoint-  
ment of com-  
missioner.

Sec. 2. The office of such commissioner shall continue until the second Monday of January, in the year of our Lord one thousand eight hundred and forty-six, and no longer, and he shall receive on account of his services quarterly, at the expiration of each and every term of three months from and after the time when he shall enter upon the duties of his office, during the term thereof, the sum of one hundred and fifty dollars, to be paid by the Treasurer of this State out of the general fund, on the warrant of the Auditor General, provided he has been employed in said revision during the whole of the last three months, and he shall also receive such further compensation as the legislature may provide after the making of his final report.

Term of of-  
fice.

Salary.

Sec. 3. In case of the death of such commissioner, or of his removal, or inability arising from any cause to perform the duties required of him by this act, it shall be competent for the said Judges and Chancellor, or a majority of them, to appoint some other suitable person to perform such duties.

In case of  
death.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 2, 1844.

## No. 27.

**AN ACT** to amend "an act to provide for the completion and preservation of that portion of the Clinton and Kalamazoo canal between the villages of Rochester and Frederick.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section one of an "act to provide for the completion and preservation of that portion of the Clinton and Kalamazoo canal between the villages of Rochester and Frederick," approved March 1st, 1843, be amended by striking out the word "sixteen," in the eleventh and twelfth lines, and inserting in lieu thereof the word "eighteen," and by striking out all after the word "improvement," in line nineteen of said section: *Provided,* That the warrants issued under this act, and the act to which this is amendatory, shall be drawn payable in land, and the state shall in no case be holden to redeem them in any other way.

As amended

*Sec. 2.* This act shall take effect and be in force from and after its passage.

Approved March 2, 1844.

## No. 28.

**AN ACT** to discontinue a portion of a certain state road.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan,* That that portion of a state road established by an act entitled "an act appointing commissioners to lay out and establish certain state roads," approved March 17th, 1837, from at or near Farmington city, so called, in the county of Oakland, to Byron, in the county of Shiawassee, as lays between the house of Albert Worthington, in the town of Milford, Oakland county aforesaid, and the intersection of said road with the state road running from Milford aforesaid, to Howell, in the county of Livingston, be, and the same is hereby discontinued.

Road discontinued.

Approved March 2, 1844.

No. 29.

AN ACT to amend an act entitled "an act to provide for the collection of demands against boats and vessels, approved April 10, 1839."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the officer serving an attachment in pursuance of the provisions of "an act to provide for the collection of demands against boats and vessels," approved April tenth, eighteen hundred and thirty-nine, in addition to the requirements in said act contained, shall immediately after attaching any boat or vessel, give notice of such attachment to the master, owner, agent or consignee thereof, if to be found within the county where such attachment is served.

Notice of attachment.

Sec 2. If, upon the return of the attachment, it appear that no notice has been given to the master, owner or agent of the boat or vessel attached, and if no person shall appear to answer to such attachment, the justice shall continue the cause for thirty days, before he shall give judgment against such boat or vessel, unless the owner, agent or master of such boat or vessel shall sooner appear, in which case, the justice shall, on notice being given to the plaintiff, appoint a day for the trial of said case. And the plaintiff shall, forthwith, after the return of such attachment, unless some person duly authorized shall appear in behalf of such boat or vessel, advertise, by publishing the same at least one in each week, for two weeks, in a public newspaper if there be one published in such county, and if not, then by posting up notice in three of the most public places in the township in which such suit is brought, that an attachment has been taken out from such justice against such boat or vessel, and the time and place of trial.

What proceedings to be had.

Advertised in certain cases.

Sec 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1844.

## No. 30.

**AN ACT to improve the navigation of the Flint River.**Lands ap-  
propriated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there be appropriated of the state lands for internal improvements, 5000 acres, for the purpose of clearing the flood wood from, and otherwise improving the navigation of the Flint river, from the village of Flint to the Saginaw river.

Contracts  
payable

Sec. 2. The commissioners of internal improvement, in making contracts on said river, under the appropriation in section one of this act, shall make them payable in warrants not bearing interest, payable only in internal improvement lands on demand, and said warrants shall be receivable at the land office for such lands.

Canal may  
be cut.

Sec. 3. If the commissioner of internal improvement shall be satisfied on due examination that a canal can be cut around the drift-wood in said river, at a less cost than the removing of the same, he is authorized hereby to cause the said canal to be cut instead of removing the drift-wood from the bed of the river.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

## No. 31.

**AN ACT relative to the streets of recorded but unincorporated village plats.**Streets un-  
der care  
of assessors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That such streets of recorded but unincorporated village plats, as the commissioners of highways shall deem to be required for public highways, shall be included in the several road districts of the respective townships in which they are situated, and shall be subject to the care and superintendence of the commissioners and overseers of highways relative to repairs, and in like manner as other highways are now by law provided for.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

No. 32.

**AN ACT to provide for laying out a State Road.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James W. Hickok, Jesse Hart and George W. Bentley, of Eaton county, be, and they are hereby appointed commissioners to lay out and establish a state road from the village of Eaton Rapids, in the county of Eaton, by the most direct and feasible route, to the village of Bellevue, in the county of Eaton; and a copy of so much of the survey of said road as shall be within each township through which said road shall pass, shall be filed in the office of the township clerks of said townships, and the said township clerks shall record the same in like manner as township roads are recorded; and in case said road shall not be laid out, in two years from the passage of this act, then the provisions of this section shall be void.

Commissioners appointed.

Survey to be filed.

Sec 2. The commissioners of highways of the several townships in the county of Eaton, through which the Clinton road passes, be, and they are hereby authorized to alter said road, in such manner as they may think public good requires, and for that purpose they shall have power to take up or vacate, and relay any part of said road within their own townships, and file the survey of such alterations in the office of the township clerk which shall be recorded by said clerk in like manner as alterations in township roads are recorded; and the State shall not be liable for any expense incurred or damages sustained in laying out or altering said roads.

Commissioners to alter certain road in Eaton county.

Approved March 6, 1844.

No. 33.

**AN ACT for the appropriation of certain highway taxes, for the improvement of the state road leading from Coldwater to Centreville.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of improving the state road leading from Coldwater to Centreville, there shall be appropriated to be expended on that part of the road running through



Highway  
taxes appro-  
priated.

the townships of Mattison and Batavia, in the county of Branch, by the highway commissioners of the aforesaid townships, so much of the highway taxes as may be assessed upon the lands owned by non-residents, the next succeeding two years, in the township of Mattison, and upon non-resident lands on the line of said road one mile each way from the centre of the road in the township of Batavia, as shall be uncollected by the overseers of highways which shall be assessed on the tax roll by the supervisor of the township aforesaid.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1844.

### No. 34.

**AN ACT to authorize the minor heirs of the late Jared Higbee, deceased, to release their claim to a certain tract of land.**

Minor heirs  
to deed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Myron N. Higbee, Seymour T. Higbee, Lucy Higbee and Elizabeth Higbee, minor children and heirs at law of the late Jared Higbee, deceased, be, and they are hereby authorized and empowered, under the direction and supervision, and subject to the control and approval of the Judge of probate for the county of Clinton, in conjunction with the widow and other heirs at law of the said Jared Higbee, deceased, to release and convey by deed under their hands and seals, to Elisha B. Isham, all their legal interest and estate, in and to the following described lands, to wit: The south-east quarter of the south-west quarter of section eleven, in township five north, of range four west.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1844.

No. 35.

**AN ACT** to authorize the commissioners of highways of the township of Marshall to order and direct where a portion of certain highway labor shall be laid out.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways in the township of Marshall, in the county of Calhoun, shall have the right and power to order and direct a portion of the highway labor not exceeding one-fourth, assessed in the village of Marshall, to be laid out on such public highways leading from said village into the country as they shall deem necessary : *Provided*, That the labor so directed shall be laid out within the said township of Marshall.

Labor on certain rods

Sec. 2. The order of the said commissioners of highways directing said highway labor as hereinbefore provided shall be made out in writing and signed by said commissioners, or a majority of them, and delivered to the Recorder of said village who shall file the same in his office and make and deliver copies thereof to the street commissioners of said village, who shall cause the amount of labor so ordered by said commissioners of highways, to be laid out according to the directions contained in said order.

Order made in writing.

Approved March 7, 1844.

No. 36.

**AN ACT** to amend an act entitled "an act to require an annual settlement with the state of certain state officers and agents and for other purposes," approved February 4th, 1842.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the annual settlement of the accounts of the several receiving or disbursing officers or agents of the state before the board of State Auditors, shall be had on or as soon after the first day of December in each year, as the accounts of said officers and agents or the books of the Auditor General can be closed for the preceding fiscal year, of which time the Auditor General shall give notice to the chairman of the board of Auditors, who shall thereupon require said several officers or agents to appear be-

Accounts settled by state auditors.

Auditor General to give notice.

fore the board at the office of the State Treasurer on some day to be designated by said chairman, of which time he shall also notify the other members of the board.

Expiration  
of term of  
any officer.

Sec. 2. As soon as practicable after the expiration of the official term of any receiving or disbursing officer or agent as aforesaid, the Auditor General shall give notice to the board of State Auditors and to such officer or agent, to meet at his office or at the office of the State Treasurer, for the purpose of making a full and final settlement of the accounts of such officer or agent, in the same manner as is provided in relation to the annual settlement of said accounts in the act to which this is amendatory.

Officers to  
deliver over  
books, pa-  
pers, &c.

Sec. 3. Any officer or agent of the state, into whose hands any money, books, papers, evidences of debt, or other instruments or property of whatever nature belonging to the state, may have come or shall hereafter come by virtue of his office or agency, who shall refuse or neglect, on demand to deliver the same to his successor in office, or other person or persons authorized by law to receive or have charge of the same, shall be punished in the same manner as is now or shall hereafter be provided by law in regard to persons guilty of fraud or embezzlement in the state treasury.

Sec. 4. This act shall take effect from and after its passage.

Approved March 7, 1844.

### No. 37.

**AN ACT to attach the counties of Kent and Ottawa to the third judicial circuit.**

Supreme  
court Kala-  
mazoo  
when juris-  
diction.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That when the supreme court shall be held at Kalamazoo, it shall exercise its appellate jurisdiction in suits in chancery and at law, and in probate cases, originating as well in the counties of Kent and Ottawa, as in those counties concerning which the like provision is now made by law.

Sec. 2. So much of section 7, of chapter 1, of title 1, part 3, of the revised statutes [page 359,] as gives to the said court when sitting at Pontiac, jurisdiction over cases arising in said county of Kent and the counties and districts thereto attached for judicial purposes, is hereby repealed: *Provided*, That all cases arising in said counties,

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or either of them, and now being in the supreme court, in either circuit thereof, shall be heard and determined in the circuit they now are, unless otherwise ordered by the said supreme court.

Approved March 7, 1844.

### No. 38.

**AN ACT to provide for the construction and improvement of the road running from Allegan in the county of Allegan, to Grandville, in the county of Kent.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of constructing and improving the road leading from the village of Allegan in the county of Allegan, to the village of Grandville in the county of Kent, there shall be appropriated to be expended as hereinafter directed, the highway taxes which may be assessed in the years 1844, 1845, and 1846, upon lands described and set down in the assessment rolls of the several years respectively as non-resident lands, and which shall be embraced within the limits of each section, any part of which section shall be within three miles of the centre of said road, commencing at the north line of section twenty-eight, in town number two north, of range number thirteen west, and ending at the south line of section number eighteen, in town number six north, of range number twelve west.

Sec. 2. The township clerks of the several townships, through which the said road passes, and in whose offices a survey of said road has been or may be recorded, are hereby required on or before the first day of June next, to deposit with the clerk of the county to which they respectively belong, a certified copy of the recorded survey of said road, as the same has been duly laid out, which certified copy the said clerk shall file and preserve in his office.

Sec. 3. The boards of supervisors of each of the counties of Allegan, Ottawa and Kent, respectively at their annual meeting in September of each year, named in the first section of this act, shall make out a statement of the descriptions of lands in their respective counties, and within the limits designated in the first section of this act, together with the amount of highway tax assessed and returned

as unpaid, on each description, and shall deliver the same to the county treasurer of their respective counties, who shall file the same in his office.

Duty of  
county clk's

Sec. 4. The county clerks of each of the above named counties shall, at the time mentioned in the preceding section, prepare separate statements as required in the preceding section, for each of the townships in which the said lands lie, of the amounts of highway taxes to be collected in the said townships, which statements shall be delivered to the supervisors of the townships respectively; who shall append said statements to the collection roll deposited by them with their respective town treasurers, and all taxes which said treasurer shall collect on lands set forth in such statement, he shall pay over to the county treasurer, at the same time he shall make his return of unpaid taxes.

Accounts to  
be opened.

Sec. 5. The county treasurers of the counties of Allegan, Ottawa and Kent, respectively, shall each open accounts in a book to be provided at the expense of the counties, respectively, for that purpose, with "the Allegan and Grandville road fund," and shall credit to said fund all moneys that may be paid to them respectively, under the provisions of this act, and shall charge to said fund all warrants drawn in pursuance of this act, all payments made to the commissioners on account of their services, and such other necessary expenses, in carrying into execution the purposes of this act, which may be audited by the boards of supervisors of the respective counties named herein.

Special com  
missioner.

Sec. 6. A special commissioner shall be appointed for each of the counties named in this act, who shall have the superintendence of said road within their respective counties, and shall direct where all labor shall be performed on said road.

Highway  
labor.

Sec. 7. Any non-resident who may wish to perform the labor assessed upon his lands lying within the limits designated in the first sections of this act, may apply, either by his agent or otherwise, to the special commissioner of the county in which the lands lie; and on such application, the said commissioner shall direct when and where, and in what manner, the labor may be performed on said road; and whenever the same shall be fully and satisfactorily performed, the said commissioners shall give a receipt therefor; and

upon presentation of such receipt to the overseer of highways of the road district in which such lands lie, before the time designated by law for the return of unpaid highway taxes, the said overseer shall cancel the tax acknowledged to be paid by said receipt.

Sec. 8. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to the overseer of highways, he shall pay over the same, within thirty days thereafter, to the township treasurer, who shall give duplicate receipts therefor, one of which receipts said overseer of highways shall deposit with the county treasurer, within ten days thereafter; and the township treasurer shall pay to the county treasurer, on or before the fifteenth day of November in each year, all moneys that may come into his hands from overseers of highways.

Overseer to pay over money,

Sec. 9. The said special commissioners, each in his own county, shall have power to let or contract by public auction any job or work upon said road, giving public notice thereof in a newspaper in said county, if there be one, and by posting up three or more written or printed notices in the most public places in the county at least ten days before the time of letting such contract, which shall be let to the lowest bidder, giving good security to the satisfaction of the commissioner for the faithful performance of said contract.

To let contract.

Sec. 10. Whenever any such contract shall be performed, the commissioner shall certify to the fact upon such contract, and shall thereupon draw his warrant upon the county treasurer for the payment of the same out of the Allegan and Grandville road fund, and shall attach such warrant to the said contract. And in case any person having so contracted shall fail in the performance of his contract, it shall be the duty of the commissioner to cause the same to be prosecuted in his own name for the benefit of the aforesaid act.

Commissioner to draw warrant,

Sec. 11. Each of the special commissioners shall receive as a compensation for their services, one dollar per day, for each day actually employed in the business of the said road, which actual employment each commissioner shall verify by his affidavit, and his account for services so verified, shall be paid by the treasurer of his proper county out of said road fund.

Compensation of com.

Sec. 12. Flavius J. Littlejohn of the county of Allegan, Hiram

**Commissioners.** Jennison of the county of Ottawa, and Roswell Britton of the county of Kent, are hereby appointed special commissioners under this act for the counties in which they respectively reside, and in case either commissioner do not take and file the oath of office required by the constitution of this state, with the clerk of his proper county, on or before the first day of June next, the neglect thereof shall be deemed a vacancy; and all vacancies which may happen by death, removal or otherwise, shall be filled by the board of supervisors of the respective counties, and any person so appointed shall before entering upon the duties of his office, take and file as aforesaid the constitutional oath of office.

**In case of neglect or refusal of com.** Sec. 13. If either special commissioner shall neglect or refuse to perform the duties of his office, the board of supervisors of the proper county shall have power to remove such commissioner from office, but no removal shall be made without giving the said commissioner notice and permitting him to be heard in his defence, all which proceedings shall be entered at large upon their journal.

Sec. 14. The laws regulating highways in this state, not contravening the provisions of this act, shall apply to this road.

Approved March 8, 1844.

### No. 39.

**AN ACT** to lay out, establish and provide for the construction of a state road from the village of Battle Creek, through the village of Hastings, to intersect the Grand River and Kalamazoo road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be laid out and established a state road, commencing at the village of Battle Creek, in the county of Calhoun, and running thence on the most direct and eligible route via the village of Hastings, in the county of Barry, to intersect the Kalamazoo and Grand River road, at or near where the same crosses the line between the counties of Barry and Kent; and that John Meacham of Calhoun county, Jason Cowles, Albert E. Bull and Calvin G. Hill, of Barry county, be, and they are hereby appointed commissioners to lay out and establish said road.

**Commissioners appointed.**

Sec. 2. It shall be the duty of the aforesaid commissioners, to file

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the survey of so much of said road, (as shall be laid out in each township,) in the office of each township clerk, whose duty it shall be to record the same in the road book of the township.

Sec. 3. One half of the road moneys collected from non-resident lands in the several surveyed townships, through which said road may pass, (that have not been expended) shall be applied to the opening and working of said road, and that the highway taxes which may hereafter be assessed upon the lands owned by non-residents, laying within one mile each way (at right angles) from the centre line of said road, shall be appropriated and applied to the opening and working of said road, and whenever said lines cover any part of a sectional division, it shall embrace the whole of said sectional division or forty acre lot.

Taxes appropriated.

Sec. 4. Albert E. Bull, be, and he is hereby appointed special commissioner, to disburse the moneys aforesaid, who shall have power to let, or contract any job, or work upon said road, first giving public notice thereof by posting up notices at the most public places within the several townships through which said road passes, and as near as may be upon the line of said road, which said notices shall be posted up at least twenty days before the time of letting such contracts, and shall state where the work is to be performed, and the kind thereof, the time limited for the performance, the time when and where the work will be let, to the lowest bidder, who shall give good and sufficient bonds, with one or more sureties, to the special commissioner, for the faithful performance of said contract: *Provided, nevertheless*, That a majority of the commissioners appointed by the first section of this act, shall have power at any time to direct where and in what manner such moneys shall be laid out or expended on said road, and the special commissioner is hereby required to lay out such moneys according to such direction.

Special commissioner appointed.

Sec. 5. It shall be the duty of the special commissioner to make out a correct list of all the non-resident land covered by the provisions of this act, and file the same with the county treasurer of the county wherein those lands are located, and it shall be the duty of the county treasurer to withhold from the several townships the moneys accruing on such non-resident lands, and pay over the same to said special commissioner, who shall render to the board of supervisors of each county a true account of the application and disburse-

Duty.



## LAWS OF MICHIGAN.

ment of the moneys he may have received as aforesaid, on or before the first day of November in each year.

**Take oath** Sec. 6. Before said board of commissioners shall enter upon their duties, they shall take the oath prescribed by the laws of this State, and the special commissioner shall give bonds, with one or more good and sufficient sureties, which bond shall be approved by a majority of the board of supervisors of the county where he resides, and filed with the county clerk of Barry county, and said special commissioner shall receive for his services, (when actually employed) one dollar per day, to be allowed and paid by the board of supervisors by their warrant drawn on the county treasurer, to be paid out of the fund created by this act, and the board of supervisors may require said commissioner to verify his amount of services by affidavit.

**Pay.** Sec. 7. The moneys collected in a township shall be disbursed in the same township, and the pay of the special commissioner shall be divided pro rata among the several counties, according to the length of the road in each county.

Sec. 8. This act shall be and remain in force for the term of five years, and shall take effect from and after its passage.

Sec. 9. That in laying and working the above mentioned road, the State shall in no instance be liable for any expense or damages incurred thereby.

Approved March 8, 1844.

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No. 40.

**AN ACT to provide for the foreclosure of mortgages.**

**Foreclosed by advertisement.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That every mortgage of real estate, containing therein a power of sale upon default being made in any condition of such mortgage, may be foreclosed by advertisement, in the cases and in the manner hereinafter specified: *Provided,* That in all cases of mortgages executed since the thirteenth day of April, in the year 1841, the premises mortgaged shall be appraised and set off in accordance with the statutes in force at the time of their execution, unless otherwise provided for in said mortgage.

Sec. 2. To entitle any party to give a notice as herein prescribed,

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and to make such foreclosures, it shall be requisite—first, that some default in a condition of such mortgage shall have occurred, by which the power of sale became operative ; and second, that no suit or proceeding shall have been instituted at law or in chancery, to recover the debt then remaining secured by such mortgage or any part thereof ; or if any suit or proceeding has been instituted, that the same has been discontinued, or that any execution upon the judgment rendered thereon, has been returned unsatisfied in whole or in part. Certain conditions.

Sec. 3. That notice that such mortgage will be foreclosed, and the mortgaged premises, or some part of them sold, shall be given by publishing the same for twelve successive weeks, at least once in each week, in a newspaper published in the county in which such premises to be sold, or some part of them, are situated ; and if no newspaper be printed in such county, then such notice shall be published in some newspaper published at the seat of government of this state. Publication.

Sec. 4. The sale shall be at public vendue, between the hours of nine o'clock in the morning and the setting of the sun, at the place of holding the circuit court within the county in which the premises to be sold are situated ; and the same shall be made by the person appointed for the purpose in the mortgage, or by the sheriff, the under sheriff, or a deputy sheriff of said county, to the highest bidder therefor, and said sale may be postponed from time to time, by inserting a notice thereof in the paper in which the original notice appeared, as soon as practicable, which shall be continued to the day of sale, at the expense of the party requesting such postponement. Sale.

Sec. 5 When any real estate offered for sale by virtue of the provisions of this act, shall consist of several distinct lots, tracts or parcels, such lots, tracts or parcels, shall be separately exposed for sale ; and no more of any real estate shall be exposed for sale than shall appear necessary to satisfy the mortgage ; and in cases where a mortgage is given payable in instalments, and the land mortgaged consists of a single eighty acre lot or farm, and it becomes necessary to sell for any instalment other than the last, parts and portions of such lot or farm may be sold in a form as nearly square as practicable, and situated in or as near as may be in the northeast corner of the tract of which it is a part. When real estate consists of separate lots.

Sec. 6. That the officer or person making the sale, shall forthwith

Duties of officers making sale.

make and execute to the purchaser a deed of the premises sold, specifying therein as the consideration of such deed, the precise amount for which the premises were sold, and he shall endorse thereon the time when the same shall become operative in law, and subscribe his name thereto, and deposit the same with the register of deeds of the proper county; and unless the premises shall be redeemed within two years, then said register shall deliver said deed to the purchaser; and such deed, from the expiration of the time to redeem, shall vest in the grantee in such deed, his heirs or assigns, all the right, title and interest which the mortgagor had at the time of the execution of the mortgage or at any time thereafter; but if the said mortgagor, his heirs, executors, administrators or any person lawfully claiming from or under him or them, shall within the time aforesaid, redeem the said premises by paying to the purchaser, or to his executors, administrators or assigns, or to the register of deeds where said deed is deposited, for the benefit of such purchaser, the sum which was bid on said real estate, together with the interest on that sum from the time of the sale, at the rate of seven per cent. per annum, then the said deed shall be destroyed by the register aforesaid, and the register shall also enter in the book of mortgages, on the page where the said mortgage is recorded, a memorandum that said mortgage is satisfied and paid, in whole or in part, as the case may be.

Duties of register.

Evidence of foreclosure and sale.

Sec. 7. Any party desiring to perpetuate the evidence of any sale, pursuant to the provisions of this act, may procure the following affidavits: First, an affidavit stating the publishing of the notice of sale in a newspaper, to be made by the printer of such newspaper, or some person in his employ knowing the facts, and second, an affidavit stating the circumstances respecting the sale of the premises, to be made by the person who acted as auctioneer at the sale.

Affidavits.

To be recorded &c.

Sec. 8. The said affidavits shall be taken before a judge of a court of record, or master in chancery, notary public, or justice of the peace of the county in which the premises are situated, and shall be recorded in the book of mortgages in the registry of deeds of said county, and the affidavits so recorded, or copies thereof, certified by the register in whose office the same shall have been recorded, shall be received as presumptive evidence of the facts therein contained.

Sec. 9. If after the sale of any real estate made as herein prescrib-

## LAWS OF MICHIGAN.

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ed, there shall remain in the hands of the Register, any surplus money paid to him by the person making the sale after satisfying the mortgage on which such real estate was sold, the same shall be paid to the mortgagor his legal representatives or assigns on demand. Surplus money.

Sec. 10. The fees and charges allowed by law foreclosing any mortgage shall in all cases be added to the amount due on the mortgage, and be considered a part thereof in the sale of the mortgaged premises, and also in the redemption thereof. Fees, &c.

Sec. 11. In case of the death of any person to whom a deed may be made under the provisions of this act, before the expiration of the time to redeem, the said deed shall be delivered to his heirs, executors, administrators or assigns, and shall have the same operation and effect as though delivered to the purchaser in the lifetime of the grantee in such deed named. Case of death.

Sec. 12. All acts or parts of acts inconsistent with this act, be and the same are hereby repealed; but this act shall not be construed to affect any proceedings commenced or had under or by virtue of any acts or parts of acts repealed by this act.

Approved March 9, 1844.

### No. 41.

#### AN ACT to provide for establishing and improving the Pontiac and Grand River road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That James M. Wilcox of Genesee county, Boormand Dennis of Shiawassee, and Orange Ferguson, of Clinton, be, and they are hereby authorized and empowered to examine the road leading from Portland in the county of Ionia, through De Witt, in the county of Clinton, Byron, in the county of Shiawassee, and Fentonville in the county of Genessee, to the Saginaw turnpike, and if in their opinion, public good requires any alteration or change in said road as it now runs, they are hereby authorized to make the same, and file a survey thereof in the township clerk's office of the town where such alteration is made; and also to file in the office of the township clerk of each town through which said road shall pass, a description of so much of said road (designated by the Commissioners to examine road.

number or survey of said road as recorded in the said clerk's office,) as is embraced within said town; and said road shall be denominated the Pontiac and Grand River Road.

**Damages.** Sec. 2. All damages which shall be claimed by any person for right of way, on account of any alteration which may be made in said road, shall be settled and adjusted as is now prescribed by law for claims of a similar kind.

**Highway tax appropriated.** Sec. 3. For the purpose of improving said road, there shall be, and is hereby appropriated, to be expended as hereinafter provided, the highway tax which may be hereafter assessed upon the lands owned by non-residents upon the line of said road, for the distance of two miles each way from the centre thereof: *Provided*, That if any lot or description, not exceeding eighty acres of land, (owned by non-residents as aforesaid,) shall be partially embraced within said limits, and extend beyond said two miles, the highway tax upon said description shall be deemed appropriated as aforesaid.

**Duty of commissioners and overseers of highways.** Sec. 4. The commissioners of highways of the several towns, in their warrants to overseers of highways, where any lands are situated, the tax of which has been appropriated as aforesaid, shall direct said overseer to apply said highway tax upon said road; and said overseer is hereby required to apply all such road tax as may be worked by non-residents or their agents as directed in his warrant, provided his district embraces any part of said road; but if his district be not contiguous to said road, then said overseer shall certify the amount of tax upon any description of land within the provisions of this act, (upon application of any person to work the same,) to the overseer of the nearest district through which said road does run, which last mentioned overseer is hereby required to direct the performance of the work upon said road, and upon completion thereof, to give to the person performing the same, a receipt therefor, which, when presented to the overseer of the district where the land lies, shall discharge said tax; (provided the same is presented before the time now prescribed by law for the return of unpaid highway taxes;) and if any of said tax shall be commuted, and the money paid to any overseer whose district does not embrace any part of said road, said overseer shall, within sixty days thereafter, pay over said money to the county treasurer, and take his receipt therefor.

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Sec. 5. It shall be the duty of the supervisors of the several towns in which any lands shall be situated, the tax of which is appropriated as aforesaid, before delivering the assessment roll to the treasurer or collecting officer for collection, to make out a statement of the description of all lands, together with the amount of highway tax assessed and returned on each description of land within the limits before designated, within their respective towns, and deliver the same to the county treasurer; and if said Pontiac and Grand River road passes through the town in which said tax shall be assessed, then said county treasurer shall place the amount of said highway tax, certified as aforesaid, to the credit of said road fund, subject to the order of the commissioners of highways of said town. But if said road does not pass through to said town, then said county treasurer shall place the same to the credit of said fund subject to the order of the commissioners of highways of the nearest town through which said road passes, and he shall in like manner credit all money that may be paid to him on account of said fund.

Sec. 6. The commissioners of highways of the several towns through which said road shall pass, shall appropriate the amount of their credit at the county treasurer's office for said fund, upon said road, in the same manner as is now provided by law for the appropriation of highway taxes, except that their warrants shall be drawn upon the county treasurer.

Sec. 7. The state shall not be chargeable for making the examination referred to in section one, nor for any expense whatever connected with said road.

Sec. 8. This act shall take effect and be in force from and after its passage, and shall remain in force five years and no longer, except for the purpose of applying any tax that may have been assessed and returned as aforesaid.

Approved March 9, 1844.

## No. 42.

**AN ACT to punish certain officers for taking or receiving unlawful fees, and for other purposes.**

**Illegal fees.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any judge of probate, justice of the peace, or other judicial officer of the State, who shall intentionally take or receive any other or greater fee or reward for any service rendered or performed in any matter or proceeding brought or pending before such judge of probate, justice of the peace, or other judicial officer, than such as is or may be allowed by law, or shall, on demand, refuse to pay over any money collected, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding six months, or by fine not exceeding two hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

**How punished.**

**Sheriff, constable or clerk receiving illegal fees.** Sec. 2. Any sheriff, constable, county clerk, or other officer in this State, who shall intentionally take or receive any other or greater fee or reward, for any official service rendered or performed, than is or shall be allowed by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a term not exceeding four months, or by fine not exceeding one hundred and fifty dollars, or by both such fine and imprisonment, in the discretion of the court.

**How punished.**

**Courts may fix costs in certain cases.**

Sec. 3. That it shall be competent for the supreme court, and court of chancery, to award such costs to the successful party, on any motion or proceeding had in any suit in said county, or either of them, as may be deemed just and proper by the court before whom the same is heard and determined.

Sec. 4. This act shall take effect from and after its passage.

Approved March 9, 1844.

LAWS OF MICHIGAN.

No. 43.

AN ACT to amend chapter three, title one, part three of the revised statutes, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section sixteen of chapter three, title one, part three of the revised statutes, (pages 883, 884,) be and the same is hereby amended, by inserting between the words <sup>Act amend-</sup> "day" and "and" in the fifth line the words "or to the presiding judge thereof within such time thereafter as he shall direct;" and also by adding at the end of the sixth line, the words "or by the presiding judge as the case may be," so that said section as amended shall read as follows: "Sec. 16. Any party aggrieved by any opinion, direction or judgment of any circuit court of any civil suit or action where a writ shall lie to remove a judgment therein to the supreme court, may allege exceptions thereto, which being reduced by writing and presented to the court before the adjournment thereof without day, or to the presiding judge thereof within such time thereafter as he shall direct, and being found conformable to the truth, shall be allowed and signed by the judges of the court, or by the presiding judge, as the case may be, and, on being filed, shall become a part of the record in the cause, if the party alleging such exceptions shall so elect."

Sec. 2. When no general or special order shall have been made by the presiding judge of any circuit court, prescribing the day on which the venires for summoning jurors shall be made returnable, <sup>Venires returnable on first day of term in certain cases.</sup> such venires shall be made returnable on the first day of the term, and in all cases, unless otherwise ordered by the presiding judge, such venires shall be made returnable at 2 o'clock in the afternoon of the day therein specified for the return thereof.

Sec. 3. There shall in each year be two terms of the circuit court <sup>Two terms of court holden in each year.</sup> holden in each of the organized counties of this State, but no petit jury shall be summoned nor shall it be necessary for the presiding judge to attend at the second term of such court in any year in either of the counties of Chippewa, Mackinac, Saginaw, Shiawassee, Clinton, Ionia, Barry, Eaton, Ingham, Ottawa, Van Buren and Allegan, <sup>Duty of presiding judge</sup> unless the associate judges of any or either of said last named coun-



ties, shall at or before the time fixed by law for the drawing of jurors, determine that it is necessary that a petit jury be summoned to attend such second term, in which case they shall make an order to that effect and cause the same to be filed with the clerk who shall immediately thereafter transmit a notice thereof by mail or otherwise to the presiding judge, and it shall thereupon be the duty of such presiding judge to attend at such second term.

Power given  
to presiding  
judges to  
hold court,  
&c.

Sec. 4. The presiding judges of the several circuit courts shall have power to hold the same, either with or without the associate judges, and the associate judges of the circuit courts for the several counties, shall have power to hold such courts in the absence of the presiding judge subject to such limitations and restrictions as are or may be provided by law.

Sec. 5. For the purpose of issuing subpoenas or other process for Jurisdiction. the attendance of witnesses and compelling such attendance, the jurisdiction of the circuit courts respectively shall be co-extensive with the limits of this State.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 9, 1844.

#### No 44:

### AN ACT to incorporate the Cottonwood Swamp Turnpike Company.

Incorporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Amos Holmes, Almon Harrison, Roswell W. Knight, Darius Mead and Guy Carpenter, be and they are hereby appointed commissioners under whom, or any two of whom, subscriptions may be received to the capital stock of the Cottonwood Swamp turnpike company hereby incorporated, and they shall cause books to be opened at any appropriate house which a majority of them shall designate, in the villages of Blissfield and Adrian, in the county of Lenawee, for two successive days at least, at such time as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving five days

## LAWS OF MICHIGAN.

notice of the time and place of receiving said subscriptions, by posting up notices thereof at such places as a majority of them shall direct, or publishing the same in such papers as will give general notoriety of said books being opened; and the subscribers thereto, their successors and assigns, for the period of thirty years after the passage of this act, be and the same are hereby ordained, constituted and declared to be a body politic and corporate, under the name and style of the "Cottonwood Swamp Turnpike Company," and by that name they and their successors for the period aforesaid, shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have and keep a common seal, and they and their successors by the name aforesaid, shall in law be capable of purchasing and holding any lands, tenements, hereditaments and real and personal estate whatsoever: *Provided*, The same shall be necessary for the construction, repair and preservation of said turnpike road, for the erection of toll gates and toll houses thereon: *And provided, further*, That the state of Michigan reserves to herself the right always of purchasing said turnpike road, by paying said company the amount of the original cost and subsequent repairs, with seven per cent per annum interest thereon, after deducting what may have been received for tolls the amount determined agreeable to the provisions hereinafter specified.

Sec. 2. The capital stock of said company shall be sixty thousand dollars, to be divided into one thousand and two hundred shares of fifty dollars each, which shall be paid to said commissioners or the president and directors that succeed them, at such time and in such instalments as the by-laws of said commissioners or their successors may require. Capital stock.

Sec. 3. When one tenth of said capital shall be subscribed, there shall be nine directors chosen by the stockholders, one of whom they shall annually elect their president, who shall hold their offices severally for one year, or until their successors be elected. The first election shall be held at such time and place as said commissioners shall determine, by giving twenty days previous notice thereof, by publication in some newspaper, at which meeting each stockholder may vote either in person or by proxy, each share being entitled to one vote. All elections thereafter shall take place on the first Tues- Directors.

day of May, notice thereof being given as aforesaid: *Provided*, That this incorporation shall not be deemed to be dissolved because the annual election was not held at the time above mentioned.

May take  
possession  
of certain  
road.

Sec. 4. That for the furtherance of the object of this corporation and the promotion of internal improvements, the said company be, and they are hereby authorized to take possession of that portion of the territorial or state road commencing in the county of Monroe, at the south line of the state of Michigan, opposite the town of Sylvania, in the state of Ohio, and terminating at the east end of the bridge across the River Raisin, in the village of Blissfield, Lenawee county. That upon or near the line of said road, it shall cause to be constructed a good and sufficient turnpike, at least twenty feet wide from the inner side of one ditch to the other, which ditches shall be of sufficient depth and width with under sluices and outlets sufficient to drain the water from said road, which, when graded and raised to a proper height, shall be covered with pounded stone or gravel to the depth of nine inches in the centre, gradually sloping to the depth of six inches at each side, substantially McAdamizing as above sixteen feet in width; or it shall be covered with charcoal to the depth of eighteen inches in the centre, gradually sloping to the depth of twelve inches at each side, the full width aforesaid; or there shall be laid down five stringers or bed timbers on a level with the surface of said road, the same resting on mud ties at sufficient distance to render the superstructure firm and durable, and these covered with good plank three inches thick and fourteen inches in length, firmly fastened to the stringers or bed timbers, so as to make a good road at all seasons of the year. Wherever other roads intersect said turnpike road, the said ditches on either side shall be so constructed and covered as to admit the convenient passage of carriages of any description.

Notice, &c.

Sec. 5. When the president and directors shall have completed said road, or five miles thereof, it shall be lawful for them to give notice thereof to the associate judges of Lenawee county, who shall personally examine from time to time such portions of said road as may be completed, and if they find the same done according to the true intent and meaning of this act, they shall certify the same in writing to the clerk of said county of Lenawee, and direct him to issue a license under the seal of the said county, to permit said president and directors to make and erect as many gates upon and across said road, as may be necessary and sufficient to collect the dues and tolls hereinafter granted to said incorporation, from all persons travelling or using

the same : *Provided however*, That they shall not have on said road more than one gate for taking whole toll, or two gates for taking half toll.

Sec. 6. As soon as the whole or part of said road shall be completed, and permission as aforesaid granted to erect a gate or gates across the same, it shall be lawful for the president and directors to appoint toll gatherers to collect and receive from all and every person and persons using said road at said whole toll gate or at each half toll gate in proportion, such tolls and duties, to wit : For every score of hogs or sheep, ten cents ; for every wagon drawn by two horses, mule or oxen, twenty cents ; for every additional horse, mule or ox, five cents ; for every coach, pleasure wagon or pleasure carriage, twenty-five cents ; for every additional horse, six cents ; for every cart drawn by two oxen, fifteen cents ; for every additional yoke, ten cents ; for every horse or mule rode, led or driven, ten cents ; for every cart drawn by one horse, mule or ox, twelve and a half cents ; for all sleighs or sleds drawn by one or more horses, mules or oxen, half the toll for vehicles on wheels ; for every horse or mule and rider, ten cents ; for every head of neat cattle driven, two cents.

Gates may be erected.

Sec. 7. It shall and may be lawful for any toll gatherer to stop and detain any person, riding, leading or driving any cattle, horses, sheep, swine or any article named above in section six, as subject to pay toll, until the same be paid : *Provided*, That nothing in this section shall be so construed, as to enable said corporation to demand or receive toll from any person at any gate, passing to or from public worship, going to or returning from funerals, going to or returning from a grist mill, for grinding grain for family use, from any militia men or troops in the service of this state or the United States, or for the transportation of any property belonging to the United States, or to this state.

Certain cases no toll to be taken.

Sec. 8. The said corporation shall cause mile stones, or posts, to be erected and maintained, one for every mile of said road, from the state line or commencement of said road, westward to Blissfield, and on each stone or post shall be legibly marked or inserted, the distance said post is from Blissfield, and if any person shall cut, injure or destroy said mile posts, or said road itself, or shall forcibly pass the gates without payment of toll, such person or persons shall individually forfeit and pay, for every such offence twenty-five dollars, to be recovered by said corporation, in their incorporate name, and for their benefit in an action of debt, before any justice of the peace in the coun-

Mile stones to be erected.

ty where said offence may be committed, or where the offender may be found, such offender or offenders shall also be liable to said company for all damages which said company shall sustain, by reason of the commission of any injury which said posts, or said road itself may sustain.

**Toll gatherer.**

Sec. 9. That if any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of said gates, or shall demand, or receive more toll than by this act is established, he shall, for every such offence, forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, or of whom such money was received or demanded, for his own use with costs of suit before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattels of said toll gatherer be found to satisfy said judgment and costs, the personal property of said company shall be liable to execution, issued on said judgment and the same may be seized on execution issued on said judgment and sold in the same manner, as if execution had issued against said company in its corporate name.

**Shares.**

Sec. 10. The shares of said Cottonwood Swamp turnpike company shall be held as personal property, and may be transferable in such manner as the president and directors shall direct.

**When road is out of repair.**

Sec. 11. Whenever complaint shall be made to either of the associate judges, mentioned in the fifth section of this act, in writing, that any part or parts of said road are out of repair, it shall be the duty of said associate judge to give notice to the other, both of whom shall proceed to examine such part or parts of said road and view the same, and if the same shall, in the view of said judges be out of repair, then the said judges shall give notice in writing, of such defect to the toll gatherer or person attending the gate, nearest the place out of repair, and may also, in their discretion, in the said notice order such gate or gates to be thrown open, and said gate or gates shall immediately after service of such notice, as aforesaid, be open and remain open, and no tolls shall be demanded until said road is put in complete repair, and if such keeper of the gate shall not immediately after the receipt of said notice, open such gate or gates, and keep the same open till after such repairs are completed, or shall hinder or detain any person or persons from passing said gates, or shall

take or demand toll from any person or persons, after receiving such notice and until such repairs are completed as aforesaid, the toll gatherer or gate keeper so detaining any person shall forfeit the sum of twenty-five dollars for each and every offence, to be recovered before any justice of the peace, in an action of debt, in any town where said detention occurs, and the property of said company shall be liable on said judgment, and the same may be taken on any execution issued thereon, in the same manner as if the same were issued against said company in its corporate name, and the said judges as a compensation for the duties required of them to perform by virtue of this act, shall receive one dollar and fifty cents per day for their services, every day they are employed, to be paid by the toll gatherer nearest where the services were rendered, out of any moneys collected at such places, and in default of such payments, by said toll gatherer, the stockholders shall be individually liable to said judges: *Provided*, That whenever it shall appear to said judges, that such complaint is made without sufficient reason, and is done for the purpose of harrassing the president and directors of said company, or the stockholders thereof, the person or persons, only, so complaining shall be responsible to said judges for their fees aforesaid, and the same may be recovered in an action of debt brought before any justice of the peace in the town where either of said complainants live or where either of them may be found.

Sec. 12. The said president and directors shall have power and it is hereby made their duty to appoint a treasurer who shall register in separate books, all sums of money deposited with him, whether the same was received for subscriptions to capital stock, tolls collected, or any other source, and for what purpose, and to whom the same was paid out. They shall also appoint a secretary, and such other clerks, or agents as they may deem necessary to transact the business of the incorporation, who shall severally execute bonds, in such sums as the company require for the faithful performance of the duties of their respective offices. Also meet from time to time at such places as they may consider expedient, to receive subscriptions until the whole capital stock shall be taken, unless it shall be ascertained that a less sum will be sufficient to fulfil the object of the incorporation: To demand at such time and in such proportion as they

Powers and  
duties of  
Board.

shall see fit, from the stockholders, the sum of money due on their respective shares under pain of forfeiture of such shares, and all previous payments thereon to the corporation to declare in what manner and under what restrictions the shares of their capital stock shall be transferable : They shall also keep a set of corporate books open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road, fixtures and also the expenditures of said company, and also all moneys by them received, and an accurate account of the same, duly authenticated by the oath or affirmation of the officers of said company, shall be submitted to the legislature whenever the same shall be required, and the said directors shall make semi-annual dividends on the first Tuesday of May and November in each year, to each and every individual stockholder of his proportion of his semi-annual profits, after deducting the expenses of collecting the tolls, repairing said road, and the fixtures thereto appended, and generally may do all further acts necessary to carry into full force and effect the objects of this incorporation.

Not to im-  
pede travel-  
lers.

Sec. 13. The said company, in taking possession of the said territorial or state road, for the purpose of improving the same or making improvements thereon, shall not make any obstruction or difficulties to prevent or impede the passage of travellers, teams, carriages or vehicles, of any description, while such improvements are going on, except such as are necessary and unavoidable, and no unnecessary delay shall occur in the progress and completion of said road.

Election,  
&c.

Sec. 14. The commissioners named in the first section of this act, shall appoint one of their number to preside at the first election for directors ; at all subsequent elections the president shall preside, or, in his absence, the senior director present shall preside. A majority of the directors shall, at all times, constitute a quorum to transact business, and the acts of a majority shall, at all times, bind the stockholders.

Time for  
completion.

Sec. 15. Said corporation is hereby required to commence said work within one year and to complete the same within three years, and said company shall have no rights or privileges to such parts of said road as shall not be completed within said three years ; and the charter of said company may be altered and amended by a vote of two-thirds of both branches of the legislature.

Sec. 16. The stockholders of said company shall be held individually responsible for all liabilities or evidences of debt whatever against said company, and on the refusal or failure of the president and directors to surrender property in execution issued on judgment rendered against said company, the property of individual stockholders may be seized and sold on said execution in the same manner as if said execution had issued against either of said stockholders individually, and said liability shall continue until a transfer of stock is regularly entered upon the books of said company, and publication of the same made four successive weeks in some newspaper printed in Lenawee or Monroe counties: *Provided*, That nothing contained in this section shall be so construed as to render any stockholder individually liable for a greater amount than an equal proportion between the sum owed and the amount of capital stock owned by him. Stockholders liable.

Sec. 17. It shall be the duty of the president and directors, before commencing the construction of said road, to make out, and publish, in some newspaper printed in Lenawee or Monroe counties, a list of all the names of the stockholders with the amount of stock held by each, and such publication shall be renewed on the first week in May and November in each year. Duty of Board.

Approved March 9, 1844.

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No. 45.

**AN ACT** to amend section three of an act entitled "an act to repeal a part of chapter eight, title fifth. part first of the revised statutes, and for other purposes" approved February 17, 1842.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the monies paid into any township, village or city treasury, under the provisions of an act to which this act is amendatory, in those townships, villages, and cities, where there is no township, village or city poor recognized, shall be appropriated to the purchase of township, village or city libraries. Certain monies to be paid into libraries.

Approved March 9, 1844.



## No. 46.

**AN ACT to incorporate the Detroit and Port Huron Plank Road Company.**

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jonathan Kearsley, Porter Kibbee, William Lewis and John Heath, be and they are hereby appointed commissioners under the direction of whom, or a majority of whom subscriptions may be received to the capital stock of the Detroit and Port Huron plank road company hereby incorporated ; and they shall cause books to be opened at the Franklin House, in the village of Mt. Clemens, county of Macomb, and at the office of Jonathan Kearsley in the city of Detroit, county of Wayne, for two successive days, at such time as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the time and place of taking such subscriptions, by posting up notices thereof in Detroit, Mt. Clemens and Port Huron, and also by publishing said notice in a paper printed in Detroit, also in Mt. Clemens ; and the said subscribers shall pay three dollars on each share subscribed at the time of subscribing therefor, and they and their successors and assigns, for the period of twenty years after the passage of this act, be and the same are hereby constituted and declared to be a body politic and corporate under the name of the Detroit and Port Huron plank road company, and by that name they and their successors, for the period aforesaid, shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and that they and their successors by the name aforesaid, shall in law be capable of purchasing and holding any lands, tenements, hereditaments and real estate whatsoever : *Provided*, That it shall be necessary for the construction, preservation and repair of said road, for the erection of toll gates and toll houses thereon.

Capital.

Sec. 2. The capital stock of said company shall be one hundred and fifty thousand dollars, to consist of and be divided into one thousand five hundred shares of one hundred dollars each ; and it shall be

lawful for the said company, whenever its whole capital stock shall have been subscribed and ten thousand dollars paid in, to commence its business, and with that capital to conduct and carry on the same until the said company shall deem it expedient to call in its remaining capital; and the said commissioners shall make such distribution of the stock as they may deem for the best interests of the company.

Sec. 3. For conducting the business of said company, which shall be the improvement of the present Fort Gratiot turnpike from the city of Detroit to the village of Port Huron, in the county of St. Clair, there shall be five directors, to be chosen by the stockholders, one of whom they shall annually elect their president, who shall hold their offices for one year or until others shall be elected in their stead. The election of the first directors shall be held on the third Tuesday of June, 1844, at the Franklin House in the village of Mt. Clemens, and all subsequent elections shall be held at such time and place as the directors shall determine, thirty days notice thereof being first given, by publication in some newspaper in the city of Detroit and village of Mt. Clemens; at which meeting each stockholder may vote in person or by proxy, each share being entitled to one vote:—*Provided*, That this corporation shall not be decreed to be dissolved by reason that the annual election is not held at the time above mentioned.

Sec. 4. The said company be and they are hereby authorized to take immediate possession of the Fort Gratiot turnpike, from the city of Detroit to Port Huron in the county of St. Clair, fifty feet in width; that upon and within the lines of said turnpike it shall cause to be laid down a good and substantial plank road from Detroit to Port Huron, to consist of five bed timbers, and to be covered with sound pine or oak plank, three inches in thickness, and not less than eighteen feet in length; to be well fastened down to the said bed timbers, so as to make the same a good plank road at all seasons of the year.—Said company shall have power to cut a ditch on either or both sides of said road sufficiently deep to drain the water from said road and the marshes adjoining, and carrying it off from the said road into the Detroit river, if said company deem it advisable; and the said road shall be completed in a good and workmanlike manner, and that said

Directors.

To take possession of certain road.

To cut a ditch.

ditches on either side, wherever other roads intersect the said plank road, shall be so constructed and covered as to allow the convenient passage of carriages and sleighs.

Subscrip-  
tions.

Sec. 5. The directors of said company may call for and demand of the stockholders and subscribers for stock, all such sum or sums of money as are by them respectively subscribed, which said sums, such stockholders and subscribers are hereby declared liable to pay at such times and in such proportions as the said directors shall deem best for the interest of the company. The said directors giving at least thirty days notice of such call or dividend in one newspaper in the village of Mt. Clemens and one in the city of Detroit, and in case of failure to pay the same the said directors may declare the shares of such subscribers or stockholders so failing forfeited, and such shares with all previous payments made thereon shall be thereby forfeited and become the property of said company.

Commission-  
ers.

Sec. 6. As soon as the president and directors shall have completed the said road, or ten miles thereof, it shall be lawful for the said president and directors to give notice thereof to the person administering the executive department of the government of this state, for the time being, who shall thereupon forthwith nominate and appoint three discrete freeholders commissioners, who are in no way interested in the said road, to view the same, and to report to him in writing whether such part of the road is completed in a workmanlike manner, according to the intent and meaning of this act; and if the report shall be in the affirmative, it shall be the duty of the person administering the executive department of this state for the time being, and he is hereby required by license under his hand, and the seal of this

Erect gates.

state, to permit the said president and directors to make and erect so many gates upon and across said road, as may be necessary and sufficient to collect the dues and tolls hereinafter granted to the said corporation, from all persons travelling or using the same: *Provided, however,* That they shall not have on said road from Detroit to Port Huron more than three gates for taking the whole toll, and three gates for taking half tolls, or in that proportion for so much of said road as may at the time be finished, only two of which, one for taking whole toll, and the other for taking half toll, shall at any time be placed between the city of Detroit and Mt. Clemens.

## LAWS OF MICHIGAN.

Sec. 7. As soon as the whole or eight miles of said road shall be completed, and permission as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for said president and directors to appoint toll gatherers to collect and receive of and from all and every person and persons using said road, at each and every of said toll gates, and at each half toll gate in proportion, such tolls and duties, to wit: For every score of hogs or sheep, fifteen cents; for every wagon drawn with two horses, mules or oxen, twelve and a half cents; for every additional horse, mule, or ox, three cents; for every coach, pleasure wagon or pleasure carriage drawn by two horses, twelve and a half cents; for every additional horse three cents; for every chaise, sulky, or pleasure carriage drawn by one horse, six and a quarter cents, and for every additional horse, three cents; for every cart drawn by two oxen, nine cents, and for every additional yoke of oxen, four cents; for every horse or mule, rode, led or driven, four cents; for every cart drawn by one horse, six cents; for all sleighs or sleds drawn by one or more horses, mules, or oxen, half the toll for vehicles on wheels; for every horse or mule and rider, six cents. And it shall and may be lawful for any toll gatherer to stop any person riding, leading or driving any horses, cattle or sheep, or article named above in this section, as subject to pay toll, until the same be paid: *Provided, however,* That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate, of or from any person passing to or from public worship on Sundays, or going to or returning from funerals, or going to or from a grist mill, for the grinding of grain for family use; or from any troops in the service of this State or the United States; or for the transportation of any property belonging to the United States or this State.

Sec. 8. The said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road, from Detroit northward to Port Huron, and on each stone or post shall be legibly marked or inserted, the distance the post is from Detroit, and shall also erect and maintain guide boards at the intersection of all public roads leading into or intersecting said plank road, on which shall be inscribed the name of the place to which said road leads; and if any person shall wilfully cut, injure or destroy said mile post,

## LAWS OF MICHIGAN.

guide boards or said road itself, or shall forcibly pass the gates without payment of toll, such person or persons shall forfeit and pay for every such offence twenty-five dollars, to be recovered by the said corporation in their corporate name, and for their benefit, in an action of debt, before any justice of the peace of the county where said offence is committed, or where the offender may be found; such offender or offenders shall also be liable to said company for all damages which said company shall sustain by reason of the commission of any wilful injury to said posts, guide boards or to said road.

ity of toll  
thereof.

Sec. 9. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of the said gates, or shall demand or receive more tolls than, by this act is established, he shall, for every such offence forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattles can be found to satisfy said judgment and costs, then in that case the personal property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

Sec. 10. The shares of said plank road shall be deemed and considered to be personal property, and shall be transferable in such manner as the president and directors may direct.

a road  
of re-  
pair.

Sec. 11. Whenever complaint shall be made to either of the three commissioners appointed in pursuance of the provisions of this act, that any part or parts of said road is out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners who, with him, shall proceed to examine such part or parts of said road, and if the same shall, in the opinion of such commissioners, be out of repair, then the said commissioners shall give notice in writing of such defect, to the toll gatherer or person attending the gate nearest the place so out of repair, and may also, in their discretion, in the said notice, order such gate or gates to be thrown open, and the said gate or gates, so ordered to be thrown open, shall after service of such notice as aforesaid, be open and remain open; and no tolls shall be demanded until after said road is put in complete repair; and if such keeper of the gate shall not immediately, after the receipt of such notice, open such gate, and keep the same open until such repairs are completed, or shall hinder or detain any person or per-

sons in passing said gates, or shall take or demand any toll from any person or persons, after receiving such notice and until such repairs are completed as aforesaid, the toll gatherer or gate keeper, so detaining any person as aforesaid, shall forfeit and pay to the said person so detained as aforesaid, the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in any county where said detention occurs, and the property of said company shall be liable on said judgment, and the same may be taken in any execution issued thereon in the same manner as if the same were against said company in its corporate name; and the said commissioners appointed under and by virtue of this act, shall receive, as a compensation for their services one dollar and fifty cents per day for every day they are employed, to be paid by the toll gatherer nearest to where the service was rendered, out of the moneys collected at such places; and in default of such payment by said toll gatherer, the stockholders of said company shall, individually, be liable to said commissioners.

Sec. 12. The said board of directors shall keep a set of corporate books, open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road and fixtures, and also the expenditures of said company, and all moneys by them received, and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company whenever it shall be required, and the said directors shall make a semi-annual dividend to each and every stockholder of his proportion of the semi-annual profits, after deducting the expenses of collecting said tolls and of repairing said road and the fixtures thereto appended. To keep books.

Sec. 13. And the said board of directors shall have power to establish such by-laws and regulations as may be necessary for the management of the affairs of said company, and may appoint a secretary and treasurer to the board, and may do all further acts necessary to carry into effect the objects of this incorporation. By-laws.

Sec. 14. The said company in taking possession of said road for the purpose of constructing the same, and in making such improvements thereon, shall not allow any obstructions or difficulties to prevent or impede the passage of travellers, coaches, wagons, or vehicles of any description, while such improvements are going on, except such as are necessary and unavoidable, and that no unnecessary delay shall occur in the progress and completion of said road.

Time of  
completion.

Sec. 15. If the said company shall not complete that part of said road which lies between Detroit and Mount Clemens, within three years from the passage of this act, and the balance of it within six years from the passage thereof, or if either of the toll gates on said road shall be kept up for the period of two months after notice is given that said road is out of repair, unless the same shall be repaired agreeably to the provisions of the eleventh section of this act, then, and in either case, the power and privileges granted to said company by this act, shall cease and be null and void.

Individually  
liable.

Sec. 16. The stockholders of said company shall be individually liable for the debts and liabilities thereof, and may be sued either jointly or severally for the collection of the same, and the judgment recovered in such suit shall have the same force and effect as though recovered against said stockholder or stockholders upon their own, individual joint, or several liabilities, and said liability of the stockholders, shall continue and be in full force for the term of one year from the time they shall cease to be such stockholders, and any suit commenced within the said term of one year may be prosecuted to final judgment at any time thereafter according to the rules of the court in which such suit is so commenced.

Sec. 17. This act shall take effect and be in force from and after its passage, and the same may, at any time, be amended or modified by the legislature.

Approved March 9, 1844.

## No. 47.

### AN ACT relative to the registry of certain deeds.

Duties of re-  
gister.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the register of deeds of the county of Wayne, shall record at length in the registry of deeds in his office, any conveyance or deed of land, duly executed and delivered by the Governor and judges of the late territory of Michigan, by virtue and in pursuance of an act of congress entitled "an act to provide for the adjustment of titles of land in the town of Detroit and territory of Michigan, and for other purposes," approved April 21, 1806; and the record of such conveyance or deed, or a transcript thereof duly certified by said register, may be read as *prima facie* ev-

idence in any court within this state, in case the original of such record, if produced in court, could be read in evidence of the title of the land therein described, under said act of congress.

Sec. 2. In any case where any such conveyance or deed duly executed by virtue and in pursuance of said act of congress as aforesaid, has been heretofore recorded in the registry of conveyances in the office of the register of deeds in the city of Detroit, or the register of probate, or the register of deeds of the county of Wayne, the record of such conveyance or deed, or a transcript thereof duly certified by the register of deeds of said county, may be read as prima facie evidence in any court within this state, in case the original of such record, if produced in court could be read in evidence of the title of the land therein described, under said act of congress: *Provided*, That this act shall not be construed so as to affect any proceeding now pending in any court of law or equity in this state: *And provided further*, That it shall not be so construed as to affect the rights now vested in any person or persons.

Certificate considered evidence.

Sec. 3. This act shall be in force from and after its passage.

Approved March 9, 1844.

### No. 48.

**AN ACT** to provide for laying out and establishing a state road from the township of Lexington to Point au-Barque.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of highways for the township of Lexington, in the county of St. Clair, and their successors in office be and they are hereby appointed commissioners to lay out and establish a state road, commencing at some point in the south line of township ten, (10) north of range sixteen east, in said county, thence north on the most eligible route to Point-au-Barque.

Commissioners appointed.

Sec. 2. For the purpose of laying out, establishing and constructing said road, there shall be appropriated, to be expended as herein after directed, the highway tax which may be hereafter assessed upon the lands owned by non-residents, lying north of the south line of said

Appropriation.



## LAWS OF MICHIGAN.

township ten, (10) north, in ranges fifteen and sixteen east, in the counties of St. Clair, Sanilac and Huron.

ty of  
surer. Sec. 3. It shall be the duty of the treasurer of the county of St. Clair to keep an account of all monies received or paid out by him pursuant to the provisions of this act, in a book to be provided and kept for that purpose.

y of su-  
visors. Sec. 4. It shall be the duty of the supervisors of the county of St. Clair, at their annual meeting in September, in each year, or before delivering the tax roll to the several township treasurers, to make out a statement of the descriptions of lands together with the amount of highway tax assessed and returned on each lot or description of land within the limits of the ranges designated in section two of this act, lying north of the south line of township ten, (10) north, and delivering the same to the county treasurer of said county of St. Clair, who shall file the same in his office, and pass the amount of said highway tax to the credit of the Lexington state road fund.

y of co.  
surer. Sec. 5. The said county treasurer shall in his settlement with the officer making return of the unpaid taxes for the township of Lexington, charge such officer or collector with the amount of non-resident highway taxes which may have been paid to such officer, on land embraced within the provisions of this act, who shall pay over to the county treasurer the amount of such tax so collected by him.

y of  
r. Sec. 6. It shall be the duty of the commissioners of highways for said township of Lexington, in their warrants to overseers of highways, to direct them respectively, to cause all labor assessed within their respective districts, upon the lands of non-residents coming within the provisions of this act, to be worked upon the line of said road.

Sec. 7. Whenever any person shall commute the highway tax assessed upon non-resident lands embraced within the provisions of this act, and the same shall be paid to the overseer of highways, he shall pay over the same within thirty days after the receipt thereof, to said county treasurer, who shall give a receipt therefor, and the township treasurer of said township of Lexington shall pay to the county treasurer of the county of St. Clair, on or before the first day of November in each year, all monies that may come into his hands on account of such highway taxes.

Sec. 8. Said commissioners, or a majority of them shall have <sup>Power of</sup> authority to let to contract any job, or work upon said road; which <sup>com'r.</sup> contract shall be in writing and signed by the parties thereto; the persons taking such contract to give to such commissioners good and sufficient sureties for the faithful performance of the same.

Sec. 9. Whenever any such contract shall be completed, said <sup>Duty of</sup> commissioners or a majority of them shall issue their certificate of the <sup>com'r.</sup> fact, and of the amount due on such contract, which shall be attached to such contract, and presented to said supervisors, who shall thereupon issue their warrant to said county treasurer for the payment of the same out of such special fund.

Sec. 10. In case any lands coming within the provision of this act, shall from any cause enure to this state, the county treasurer of the <sup>Co. treasur-</sup> county of St. Clair, shall furnish the Auditor General with a <sup>er St. Clair</sup> statement thereof, with the amount of highway tax and interest due <sup>co.</sup> thereon attached, and the Auditor General shall draw his warrant on the State Treasurer for the amount of such tax and interest, and the State Treasurer shall pay the same to said county treasurer to the credit of said road fund out of the general fund.

Sec. 11. This act shall take effect and be in force from after its passage, and remain in force five years and no longer.

Approved March 9, 1844.

## No. 49.

AN ACT to provide for the laying out of a certain state road, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hiram Lewis, Isaac Otis and George Thomas, be, and they are hereby authorized to lay out and <sup>Commissioners ap-</sup> establish a state road, commencing on the road leading from Battle <sup>pointed.</sup> Creek to Gull Prairie, at Van Vleck's tavern, near Four Mile Creek, so called, thence by the most direct and feasible route to intersect the Grand River road at or near Boun's tavern in the town of Prairieville, and file the survey of so much of said road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in said township.

Highway  
money and  
labor appro-  
priated.

Sec. 2. That the highway commissioners of the towns through which said road shall pass, be, and they are hereby required to lay out and expend in work upon said road, all the delinquent highway taxes due, and to become due, for the term of four years hereafter, upon all lands situated upon said road, to the distance of one mile on each side thereof; and that the highway commissioners of the several towns through which the stage road from Battle Creek to Grand Rapids, via. Yankee Springs, passes, be, and are hereby required to expend and lay out, faithfully, upon said stage road, all sums of delinquent highway money now due, and to become due, for the term of four years hereafter, on the land situated on the line of said road to the distance of one mile each way.

Comr's.

Sec. 3. Ralph Bailey, James Holcomb and Isaac N. Miner, be, and they are hereby appointed commissioners to lay out and establish a state road commencing at the north-east corner of John Depp's land, in the township of Redding, county of Hillsdale, thence from the corner of said Depp's land, touching near the north end of Berry's Lake, thence southwardly on the most eligible route, to the Indiana state line, taking the direction to Willow Prairie.

Comr's.

Sec. 4. That there shall be laid out a state road, beginning at the village of Lakeville, in Oakland county, thence to the Northern railroad, located via. E. M. Phelps, and Eri Potter's mills, and that E. B. Case, John W. Day, and Israel Elwood, be, and they are hereby appointed commissioners to lay out and establish said road.

Comr's.

Sec. 5. There shall be laid out a state road, from Ann Arbor, in the county of Washtenaw, by the way of the village of Brighton, in the county of Livingston, Muray's mills, and the village of Flushing, in the county of Genesee, to the Saginaw turnpike, at a point about fourteen miles north of the village of Flint, and that Albert Stevens, John Keinyan, Isaac Penoyer and James H. Murray, be, and they are hereby appointed commissioners to lay out and establish said road.

Comr's.

Sec. 6. That Gabriel R. Tridley, Cyrus Robertson and David Johnson, are hereby appointed commissioners with full authority to straighten and establish the state road leading from the village of Jackson, in the county of Jackson, to White Pigeon, in the county of St. Joseph, across section thirty-four in the township of Albion, in the county of Calhoun.

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65.

Sec. 7. That Solomon Sutherland, Justus J. Bennett and Jasper H. Buck, be, and they are hereby appointed commissioners to lay out and establish a state road, commencing at or near the point where the road leading from the village of Dexter, in the county of Washtenaw, to Mason in Ingham county, crosses the west line of Livingston county, running thence, by the most feasible route, through the township of Hamburg, to the village of Brighton, in said county of Livingston.

Commissioners.

Sec. 8. That Hiram Moore, Anson Mapes and Larkin Brown, be, and they are hereby authorized and empowered to lay out and establish a state road from the village of Battle Creek, in the county of Calhoun, to the village of Schoolcraft, in the county of Kalamazoo, on the most feasible and eligible route.

Comrs.

Sec. 9. The above named commissioners shall file the surveys of the above mentioned roads in the office of the township clerk of each township through which each of the above mentioned roads shall pass, as shall be laid out in such township.

File surveys.

Sec. 10. The State shall not be liable for any expenses incurred, or damages sustained, by reason of this act, and in case of the roads mentioned in the preceding sections of this act, shall not be surveyed and laid out in two years from the passage of this act, the provisions contained therein shall be void.

State not liable for expenses.

Approved March 9, 1844.

### No. 50.

#### AN ACT making appropriations on the Central Railroad.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That for the purpose of finishing the Central railroad from the village of Marshall to the village of Kalamazoo, there be, and the same is hereby appropriated out of the land granted to this State by the general government for purposes of internal improvement, sixty-four thousand acres of land.

64,000 acres of land appropriated C. U. R.

Sec. 2. In payment of all estimates upon contracts made under this act, the Auditor General shall draw a scrip, not bearing interest, and payable only in lands, at the state land office for internal im-

Auditor Gen'l. draw certain scrip

## LAWS OF MICHIGAN.

provement lands, whenever a sufficient amount of said scrip, or other funds by law receivable for said lands, shall be presented to pay for any such legal subdivision or other fraction as shall there be subject to sale or entry.

Sec. 3. That for the purpose of purchasing iron and spike and for payment of the transportation of the same, to iron the Central railroad from the village of Marshall to the village of Kalamazoo, the sum of seventy-five thousand dollars of the net proceeds of said Central railroad, after first paying for the iron and spike already contracted for to iron the Southern and Central railroads to the villages of Hillsdale and Marshall, and reserving a sum sufficient to pay the interest that will be due on the first day of January, A. D. 1846, on the bonds of this State now issued, and bonds acknowledged under the act entitled "an act to liquidate the public debt and to provide for the payment of the interest thereon, and for other purposes," approved March 8, 1843, be and the same is hereby appropriated; and the board of internal improvement are hereby authorized to contract for such iron and spike, and for the transportation of the same, and to pledge the net proceeds, aforesaid for the payment thereof.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1844.

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### No. 51.

**AN ACT supplementary to an act entitled "an act making appropriations on the Central Railroad."**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled "an act making appropriations on the Central railroad" shall not be so construed as to alter, amend, modify, repeal, or in any way affect an act entitled "an act making appropriations on the Central and Southern railroads for the year of our Lord one thousand eight hundred and forty-three, and for other purposes," approved February 21, 1843; or an act entitled "an act to liquidate the public debt and to provide for the payment of the interest thereon, and for other purposes," approved March 18th, 1843.

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Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1844.

### No. 52.

#### AN ACT to incorporate the Utica Female Seminary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Ephraim Calkin, Samuel Axford, William A. Burt, John Stockton, Jeremiah Curtis, Jacob Summers, Oliver Adams, Charles W. Chapel, David M. Price, Pliny Powers, George Gordon, Gurdon G. Deshon, together with such other persons as may become members of the incorporation, hereby created, shall be and they are hereby constituted and declared to be a body corporate and politic, by the name of the Utica Female Seminary, and in their corporate name may sue and be sued, may have a common seal which they may renew at pleasure, and shall have, enjoy, and may exercise, all the powers, rights and privileges, which appertain to corporate bodies for the purposes mentioned in this act. Incorporated.

Sec. 2. The capital stock of the said corporation, shall not exceed Cap. stock. the sum of five thousand dollars, and shall be divided into shares of ten dollars each.

Sec. 3. The corporation hereby created, shall be forever capable in law to purchase, take, receive, hold and enjoy, any estate, real and personal whatever, to an amount not exceeding five thousand dollars, and to lease, sell and convey, or otherwise dispose of the same.

Sec. 4. There shall be forever hereafter, twelve trustees of the said corporation, who shall be members thereof, and who shall manage all the affairs thereof; and the first trustees shall be Ephraim Calkin, Trustees. Samuel Axford, William A. Burt, John Stockton, Jeremiah Curtis, Jacob Summers, Oliver Adams, Charles W. Chapel, David M. Price, Pliny Powers, George Gordon, and Gurdon G. Deshon, who shall hold their offices until the first day of January, 1845, and until others are elected in their place.

Sec. 5. There shall be on the first Monday in January, 1845, and on the first Monday in January, in every succeeding year, a general

Meeting of  
members.

meeting of the members of said corporation, at some convenient place in the village of Utica, to be designated by the by-laws of said corporation; and a majority of the members who shall meet in person or by proxy, shall elect by ballot, twelve of their members to be trustees of the said corporation for the year then next ensuing.

Trustees,  
their pow-  
ers and du-  
ties.

Sec. 6. The trustees of said corporation shall have power to choose from out of their number, a president, a treasurer, and a secretary, who shall immediately enter upon the duties of their offices, and hold the same from the time of their election, until the first Monday of January, of the ensuing year, and until others are chosen in their stead; and in case any of the trustees shall die, resign, refuse or neglect to act, then, and in every such case, the remaining trustees may within thirty days thereafter, elect by ballot other members of the said corporation in their stead, who shall hold their offices in the same manner as those first elected.

Shares may  
be assigned  
&c.

Sec. 7. Each member to be entitled to one vote for each share of which he shall be the holder. And the said trustees shall receive subscriptions for shares in said corporation, until the capital stock may be subscribed; the said shares shall be assignable and transferable, according to such rules as the board of trustees shall from time to time make and establish, and shall be considered personal property.

Election &c.

Sec. 8. In case it should at any time happen, that an election of the trustees should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not for that cause, or any non-user be dissolved; but it shall and may be lawful, on any other day, to hold an election for trustees in such manner as shall be provided by the laws and ordinances of the said corporation.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 11, 1844.

LAWS OF MICHIGAN.

No. 53.

AN ACT relative to the duties of Assessors and Highway Commissioners.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the valuation of property for assessment purposes shall be taken in the several townships in this state by the officers elected for that purpose, between the second Monday in April and the first Monday in May in each year, and on the first Saturday preceding the second Monday in May in each year they shall meet at the office of the supervisor, in the several townships, for the purpose of reviewing and completing their assessment; and no notice of such meeting shall hereafter be necessary. To review assessment rolls,

Sec. 2. The commissioners of highways of the several townships in this state, shall meet at the office of the supervisor in their respective townships on the second Monday in May in each year, for the purpose of assessing a highway tax, and they shall have free access to the assessment roll until they shall have completed their assessment. Comrs's. required to meet.

Sec. 3. That the 3d, 16th and 18th sections of chapter 3, title 6, part 1, of the revised statutes, be and the same are hereby repealed. Repealed.

Sec. 4. Every overseer of highways shall, on or before the first Monday of October in each year, make out and deliver to the supervisor of his township, a list of all the lands of non-residents, and of persons unknown, which are taxed on his list, on which the labor assessed has not been paid, and the amount of labor unpaid, and the said overseer shall previous to delivering such list, make and subscribe an affidavit thereon, before any person competent to administer oaths, or before the supervisor, that the labor which was assessed upon such land as has been returned, has not been performed, and remains unpaid. Certain duties

Sec. 5. It shall be the duty of the supervisor of each township to cause the amount of such arrearages of labor, estimating a day's work at seventy-five cents per day, to be levied on the lands so returned, and to be collected in the same manner that the contingent charges of the county are levied and collected. Duty of supervisor.

Sec. 6. All parts of acts contravening the provisions of this act



## LAWS OF MICHIGAN.

are hereby repealed, and this act shall take effect and be in force from and after the first day of January next.

Approved March 11, 1844.

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### No. 54.

**AN ACT** in relation to associations formed for banking purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all case where an association was organized under the general banking laws of this state and securities were given for the payment of the liabilities of such associations, the Auditor General shall cancel and discharge such securities upon satisfactory evidence being furnished to the Auditor General of this state, that all the debts and liabilities of such association have been paid or discharged.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1844.

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### No. 55.

**AN ACT** to authorize John W. Fallas and Nathaniel Davenport, to build a dam across Flat River in the county of Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John W. Fallas and Nathaniel Davenport, their heirs and assigns, be and they are hereby authorized and empowered to build a dam across Flat River in the county of Kent, on fractional lot No. 1, of section twenty-three, and lot No. 1, of section twenty-four, in town number seven, north of range number nine, west: *Provided*, The title of said described land is at the time of erecting the said dam vested in said John W. Fallas and Nathaniel Davenport, or that they obtain permission of the owners thereof.

Sec. 2. Said dam shall not exceed three feet in height above low

## LAWS OF MICHIGAN.

water mark, and shall have a good and sufficient sluice or apron of convenient width and dimensions to admit the safe passage of rafts of every kind down that river, and such boats and canoes as may navigate the same, which said sluice or apron shall be kept in good repair and condition by the person or persons using said dam. Not to prevent navigation.

Sec. 3. Nothing in this act shall authorize the persons above named, their heirs or assigns, to enter upon or flow the lands of any other person or persons: *Provided*, That the occupant of said dam shall so construct, therein or thereat, a convenient lock for the safe passage of boats, canoes, rafts or other water craft, whenever the circuit court of said county shall order, upon good cause shown. Not to flow land.

Sec. 4. If at any time hereafter the waters should be required to be drawn from said river for the purpose of internal improvement or navigation, it shall not be lawful for the said John W. Fallas and Nathaniel Davenport or any other person or persons owning said dam to claim or recover any damages therefor. Water may be used.

Sec. 5. The legislature may at any time amend or repeal this act.

Approved March 9, 1844.

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### No. 56.

#### AN ACT for the relief of Lucy Stephens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the land office be, and he is hereby authorized and directed to endorse upon a certificate for certain school lands held by the said Lucy Stephens, the sum of fifty dollars in part payment for the principal due on the same, and enter the same to her credit on the books of his office. Com'r. authorized to endorse \$50.

Approved March 9, 1844.

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### No. 57.

#### AN ACT making appropriation on the St. Joseph river.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be, and hereby is appro-

## LAWS OF MICHIGAN.

appropriated, ten thousand acres of the land granted to the state for the purposes of internal improvement, for the improvement of the St. Joseph river, and that in payment for the labor done under this appropriation, the auditor general shall draw a scrip, not bearing interest, on the land office, payable in lands only, which scrip, shall be receivable by the commissioner of the land office in payment of any of the aforesaid internal improvement lands subject to entry and sale whenever a sufficient amount of said scrip or other funds by law receivable for lands, shall be provided for the payment of any legal sub-division or fraction subject to sale as aforesaid, which appropriation shall be in lieu of all appropriations on said river prior to 1843.

Approved March 9, 1844.

### No. 58.

**AN ACT to authorize the Supervisors of Kent county to build a free bridge across Grand River at Grand Rapids,**

*Authority given to build bridge.* Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisors of Kent county, be, and they are hereby authorized to build a free bridge across Grand River at Grand Rapids.

*Appropriation.* Sec. 2: That six thousand acres of internal improvement lands, be and the same is hereby appropriated for the purpose of building said bridge. The said supervisors may select the land and report it to the commissioner of the land office, who shall reserve it for the purpose above stated, and shall issue certificates therefor, in quantities not less than eighty acres, after the said bridge shall have been completed: *Provided,* It is finished within two years. The certificates not to be issued until the acting commissioner of internal improvement shall certify to the commissioner of the land office that said bridge is completed, and provided the amount of the certificate shall not exceed the cost of the bridge: *Provided,* That no such land shall not be selected until the same shall first have been offered for sale at public auction.

Approved March 9, 1844.

**LAWS OF MICHIGAN.**

**No. 59.**

**AN ACT** to facilitate the study of anatomy and to repeal chapter two, part one, title eight of the Revised Statutes relating to Medical Societies.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That in any county of this state where a medical society composed of a majority of the physicians and surgeons of the county, shall be hereafter organized on the principle of voluntary association, and the evidence of such organization is made known by filing a certificate with the clerk of the county, it shall be lawful for the keeper of the prison of said county <sup>Keeper of prison to deliver bodies</sup> to deliver to any agent of said society, on the presentation of an order signed by the president of said society, the bodies of all criminals who shall be executed for a capital offence within such county: *Provided,* That the friends or relatives of the deceased do not claim the bodies for interment, or that the criminals or their friends have made no provision for their burial.

**Sec. 2.** The officers of the state prison shall deliver the bodies of all <sup>Officers of state prison to do same.</sup> criminals who die in said prison, to the agents of those medical societies that shall be organized in the manner stated in section one: *Provided,* That said societies shall first file a certificate of their organization in the office of the Secretary of State, and also that the friends <sup>Societies to file certificate.</sup> or relatives do not claim the bodies for interment, or that the criminals or their friends have made no provision for their burial.

**Sec. 3.** The officers of the state prison shall give preference in the first instance to the society that applies first, and ever afterwards distribute the bodies equally among the societies in the order as to time of the reception of their applications, so that all medical societies hereafter formed in this state may be benefitted in rotation by this act. <sup>Duties of officers of prison in relation thereto.</sup>

**Sec. 4.** Whenever the medical department of the university of Michigan shall be organized, said department shall be entitled to the exclusive privilege conferred upon county societies by sections two and three.

**Sec. 5.** Chapter two, part one, title eight of the revised statutes relating to medical societies is hereby repealed.

Approved March 9, 1844.

## LAWS OF MICHIGAN.

## No. 60.

**AN ACT to amend section six, chapter two, title seven, part second of the Revised Statutes.**

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section six, chapter two, title seven, part second of the revised statutes, be amended by striking out the words "two years," in the second line thereof, and inserting in their stead the words "one year," so that said section, as amended, will read as follows, to wit: "No divorce shall be granted, unless the petitioner therefor shall prove his or her residence in this state for one year next preceding his or her application.

Petitioner reside in state one year.

Sec. 2. Section four of said chapter shall be, and is hereby amended, by adding after the word "cruelty" in the second line thereof, the words, "whether such cruelty shall be practised by using violence, or by any other means," so that said section four as amended shall read as follows, to wit: "Sec. 4. A divorce from bed and board may be decreed for the cause of extreme cruelty, whether such cruelty shall be practiced by using violence, or by any other means; or utter desertion in either of the parties for the term of three years and a like divorce may be decreed on the application of the wife when the husband, being of sufficient ability to provide a suitable maintenance for her, shall grossly or wantonly and cruelly refuse or neglect so to do.

Sec 4 amended.

Sec 3. This act shall be in force from and after its passage.

Approved March 9, 1844.

## No. 61.

**AN ACT to amend an act entitled "an act to abolish the office of County Commissioner and for other purposes," approved February 10, 1842.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section three (3) of an act entitled an act to abolish the office of county commissioner and for other purposes, approved February 10, 1842, be and the same is hereby

## LAWS OF MICHIGAN.

by amended by striking out in said section the words following, to <sup>Act amend-</sup>  
wit: "And in the county of Michilimackinac, by the supervisor of the <sup>ded.</sup>  
township of Holmes, and two of the justices of the peace, oldest in  
office in said county."

Approved March 9, 1844.

### No. 62.

**AN ACT** to amend section six of "an act to divide the  
several counties in this Territory into townships,  
and for other purposes," approved April 12th 1827.

Section 1. *Be it enacted by the Senate and House of Representa-*  
*tives of the State of Michigan,* That the words "River Detroit," <sup>Act amend-</sup>  
in lines thirty and thirty-one of section six, of an act entitled "an act <sup>ed.</sup>  
to divide the several counties in this territory into townships, and for  
other purposes," approved April 12th 1827, (page 356; laws of 1827,)   
be stricken out, and the words "boundary line between the United  
States and Upper Canada," be inserted.

Sec. 2. This act shall take effect and be in force from and after its  
passage.

Approved March 9, 1844.

### No. 63.

**AN ACT** to authorize James Miller to build a dam  
across the Clinton river, in the county of Macomb.

Section 1. *Be it enacted by the Senate and House of Representa-*  
*tives of the State of Michigan,* That James Miller, his heirs and  
assigns, be, and they are hereby authorized and empowered to build <sup>Authority</sup>  
a dam across the Clinton river, in the county of Macomb, on section <sup>given to</sup>  
twenty-four, in township two north, of range twelve east. <sup>build dam.</sup>

Sec. 2. Said dam shall not exceed seven feet in height above low <sup>Height, &c.</sup>  
water mark, and shall have a convenient sluice or apron of sufficient  
width and dimensions to admit the safe passage of rafts down said  
river, which said sluice or apron shall be kept in good repair by the  
persons or individuals using said dam.

Sec. 3. Nothing in this act shall authorize the person above named, or his heirs or assigns, to enter upon or flow the lands of any other person or persons: *Provided, further,* That the occupant of said dam shall so construct therein or thereat, a convenient lock for the safe passage of boats, rafts, canoes or other water-craft, whenever the circuit court of said county shall order upon good cause shown.

Water may  
be taken for  
int. imp.  
purposes.

Sec. 4. If, at any time hereafter, the water should be required to be drawn from said river, for the purpose of internal improvement or navigation, it shall not be lawful for the said James Miller, or any person or persons owning said dam to claim or recover damages therefor.

Approved March 9, 1844.

#### No. 64.

### AN ACT to amend an "act in relation to the Fire Departments and Firemen of the incorporated cities and villages of this State."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section eight of the act entitled "an act in relation to the fire departments and firemen of the incorporated cities or villages of this state," approved February 6th, 1843, be, and the same is hereby so amended as to read: "All fire engines and apparatus requisite for, and ordinarily used by fire companies in the extinguishment of fires, now owned, or that may hereafter be purchased and owned, by any incorporated city or village, and kept for the use of any fire company therein, and the ground, buildings, machinery and fixtures of all water works now owned, or that may hereafter be purchased and owned, by any incorporated city or village, and used for the purpose of supplying the inhabitants thereof with water, shall be, and the same is hereby exempted from levy or sale for any debt, damages, fine, or amercement whatever: *Provided,* That this section shall not be construed to affect in any wise, any levy made prior to the passage of the act to which this an amendment."

Fire engine's  
apparatus,  
&c., to be  
exempt from  
taxation.

Sec. 2. This act shall take effect from and after its passage.

Approved March 9, 1844.

**LAWS OF MICHIGAN.**

**No. 65.**

**AN ACT** to amend an act entitled "an act relative to the Auditor General and State Treasurer, and the offices of both," approved April 1st, 1840.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be, and he is hereby authorized to employ one chief clerk and two assistant clerks at an annual salary of not exceeding seven hundred dollars for said chief clerk, and not exceeding six hundred dollars each for said assistant clerks, payable quarterly. And the State Treasurer is hereby authorized to employ one clerk at an annual salary of not exceeding seven hundred dollars, payable quarterly.

*And. Gov't. authorized to employ clerks.*

*Salary, &c.*

Sec. 2. Section twenty-four of chapter one, title three, part 1st of the revised statutes is hereby so amended as to read as follows, to wit: The Attorney General shall receive an annual salary of eight hundred dollars, and such taxable costs as shall be allowed by law, which shall be in full satisfaction for all services rendered by said Attorney General to or for the state: *Provided, however,* That the state shall not in no way be liable to said Attorney General for such taxable costs.

*Salary of att'y gen'l.*

Sec. 3. Section second of an act entitled "an act relative to the Auditor General and State Treasurer," approved April 1st, 1840, is hereby repealed.

Sec. 4. Section four of an act entitled "an act for the regulation of internal improvement," approved March 25, 1840, is hereby amended by striking out the word "six," in line four, and inserting the word "seven."

Approved March 11, 1844.

**No. 66.**

**AN ACT** to define and protect the rights of married women.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any estate, real or personal, which may have been acquired by any female before her marriage, either by her own personal industry or by inheritance, gift, grant, or

*Property acquired by female before marriage, &c.*



ship, in the office of each township clerk, whose duty it shall be to record the same in the road book of the township.

Sec. 9. That in laying out and working said road, the state shall not be liable for any damages; and the commissioners of highways in each township through which the same passes, shall district the same and cause it to be worked as other highways in such township.

State not liable.

Sec. 10. The state shall not be liable for any expense incurred, or damages sustained, by reason of this act; and in case the roads mentioned in the preceding sections of this act, shall not be surveyed and laid out in two years from the passage of this act, the provisions herein contained shall be void.

Sec. 11. This act shall take effect from and after its passage.

Approved March 9, 1844.

### No. 68.

**AN ACT to establish a land office, to prescribe and regulate the disposition of the public lands, and for other purposes.**

Commissioner appointed.

Term of office.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the land office organized by and under the "act to organize a land office and to regulate the sale of the public lands," approved March 6, 1843, be and the same is hereby established and continued in the village of Marshall, in the county of Calhoun, under the denomination of the state land office, the chief officer of which shall be called the commissioner of the land office, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for and during the term of two years, and until his successor be appointed and qualified, and he shall receive an annual salary of one thousand dollars.

To take oath and file bond.

Sec. 2. The said commissioner shall, before entering upon the duties of his office, take the constitutional oath of office, which shall be in writing and be filed in the office of the Secretary of State, and he shall also execute a bond to the people of this state in the sum of fifty thousand dollars, with at least two sufficient sureties, conditioned that he will faithfully discharge the trust committed to him, and that

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he will honestly account for and pay over all moneys and evidences of debt that may come into his possession, whenever required so to do by law, which bond shall be approved by the Auditor General, and deposited in the office of the Secretary of State.

Sec. 3. The said commissioner shall appoint a deputy, and may also appoint one clerk, if the business of his office should require it, who shall each receive an annual salary not exceeding five hundred dollars, each of whom shall also take and subscribe the constitutional oath of office aforesaid, and cause the same to be filed in the office of the Secretary of State. The commissioner shall have the power to remove either of them at his pleasure and shall be responsible for their official acts.

Deputy and  
clerk ap-  
pointed.  
Salary.

Sec. 4. The commissioner shall keep a record of the sales of lands, and of the moneys by him received on account of either principal or interest, the date of such sale or payment, the description of the lands sold and the number of acres thereof and the name of the purchaser, or person paying such moneys, to whom he shall give his receipt for the same and credit the appropriate fund therewith. He shall also, on the 1st day of every month, cause to be made out and transmitted to the State Treasurer, a statement showing the amount of moneys or evidences of debt received by him, the names of the persons paying the same, the time of payment, the number of the certificate upon which such moneys were paid, the kind of funds received, and the appropriate fund to be credited therewith. He shall also, on the first day of March, June, September and December, and whenever at other times required by the State Treasurer, deliver and pay over to the said State Treasurer, all moneys or evidences of debt received by him as aforesaid.

Com'r. to  
keep record  
& transmit  
statement to  
state treas-  
urer.

Sec. 5. The said commissioner shall have the general charge and supervision of all lands belonging to the state, or which may hereafter become its property; and also of all lands in which the state has any interest, or which may be held in trust by it for any purpose, and he may lease, sell, superintend, and dispose of the same in such manner as shall be directed by law. He shall annually make a report to the legislature of his official proceedings, showing the quantity of lands sold or leased, and the amount received therefor; the amount of interest moneys received to the credit of the several funds,

Com'r. to  
have charge  
of state  
lands, &c.

and all such other matters relating to his office as he may deem proper to communicate ; and shall cause the same to be published agreeably to the provision of the first section of the " act relative to certain state annual reports," approved April 16, 1839.

Recorder to be appoint'd

Sec. 6. There shall also be appointed by the Governor, an officer who shall be called the recorder of the land office, who shall hold his office in the village of Marshall aforesaid, for and during the term of two years, and until his successor be appointed and qualified, and he shall receive an annual salary of four hundred dollars.

Recorder may appoint a deputy.

Sec. 7. The said recorder shall be privileged to appoint a deputy, but without additional expense to the state, for whose official acts as such, he shall be responsible ; both of whom shall, before entering upon the duties of their office, respectively take and subscribe the constitutional oath of office aforesaid, and cause the same to be filed in the office of the Secretary of State.

Duties of recorder.

Sec. 8. It shall be the duty of the said recorder to countersign every certificate of purchase, receipt or other official instrument in writing, which may be issued or given by the said commissioner, and which purports to be evidence of moneys received by him, and unless such certificate, receipt, or official instrument be so countersigned, it shall not be evidence of payment, nor be valid in law.

Recorder to charge com'r. &c.

Sec. 9. The said recorder shall, upon his countersigning any certificate, receipt or any other official instrument as aforesaid, charge the commissioner with the amount received by him as therein mentioned, and credit the appropriate fund therewith. He shall also

Shall keep a record &c.

keep a record of the names of the persons paying the same, the number of the certificate upon which the amount is paid, and the time of the payment. He shall also, after the comparison of accounts with the commissioner, on the first day of each and every month, transmit to the State Treasurer a statement of all the several certificates, receipts and other official instruments which have been issued by the commissioner and countersigned as aforesaid, together with the dates, numbers and amounts thereof, the names of the persons paying the same, and the respective fund to which they belong.

*Concerning University and School Lands.*

University and school lands.

Sec. 10. The minimum price of the unsold unimproved university lands shall be twelve dollars per acre, and the minimum price of the

## LAWS OF MICHIGAN.

unsold unimproved school lands shall be five dollars per acre; and the commissioner may sell and dispose of such lands at the said prices respectively: *Provided*, That the same have been once first offered at public auction at the aforesaid respective minimum prices; and no such lands shall be sold for less than the aforesaid prices respectively: *Provided, also*, That no treasury notes or warrants shall be received for university lands hereafter forfeited to the state.

Sec. 11. The terms of payment on the sale of any of the university and school lands subsequent to the passage of this act, shall be twenty-five per centum of the purchase money to be paid at the time of the purchase, the balance of the principal to be payable at any time thereafter, at the option of the purchaser, with interest at the rate of seven per cent per annum on the unpaid balance, payable on the first day of March or within sixty days thereafter, in each and every year, at such place or places as shall be specified in the certificate of purchase, which the commissioner shall, at the time of such sale, make out and deliver to the purchaser or purchasers of said lands, and in which certificate the said commissioner in his official capacity shall certify in the name of the people of this state, the description of the land sold, the quantity thereof and the price per acre, the consideration paid and to be paid therefor, the time and terms of payment. And the said certificate shall further provide that if, in case of the non-payment of the interest due by the first day of March or within sixty days thereafter, in each and every year, by the purchaser or purchasers, or by any person claiming under him or them, then the said certificate shall be utterly void and of no effect; and all the right, title and interest of the said purchaser, or any person claiming under him, of and to the land described in such certificate, shall be absolutely void, and the full title of said land and the right to the possession thereof, shall revert in the state; and the said commissioner may take possession thereof and re-sell the same as is hereinafter provided.

Terms of  
payment.

Balance to  
be paid.

Duties of  
com'r.

When title  
and interest  
of purchaser  
to be  
void.

Sec. 12. Any purchaser of university or school lands, his heirs or assigns, who shall have paid, on or before the first day of March, one thousand eight hundred and forty-two, a sum equal to twenty per cent of the purchase money on his certificate, together with the interest up to said day; and any purchaser, his heirs or assigns, since

**When purchaser may pay balance.** the 15th day of April 1841, who shall pay according to the terms of his certificate, shall be privileged to pay the balance of principal due on his purchase at any time thereafter at his option ; but in all cases the interest on the unpaid balance of principal to be paid on or before the first day of March, or within sixty days thereafter in each and every year as aforesaid. And in case of the non-payment of either principal or interest when due, according to the provisions of this section, or according to the terms of the certificate as hereinbefore mentioned, as the case may be, the said certificate or certificates and all the rights of the purchaser or purchasers therein, shall become void and of no effect, and they and the said certificate shall become

**When certificate void.** liable to all the penalties, and be included in the provisions hereinbefore and hereinafter prescribed concerning forfeitures, dispositions, and re-sale of said lands on account of non-payment of the principal or interest as aforesaid.

**Com'r. to receive security.** Sec. 13. The commissioner is hereby directed and required, whenever in his opinion the interests of the state will not be secured by the payment of the percentage mentioned in the 11th section preceding, to require of the purchaser such security for the payment of any moneys to become due and payable agreeably to the terms and requirements of the certificate of purchase, as in his opinion will secure the respective fund against loss.

**Gov. to sign patents.** Sec. 14. The Governor of this state shall sign and cause to be issued patents for the said lands so purchased and described in the certificates aforesaid, whenever the same shall be presented to him with the further certificate of the commissioner endorsed thereon, that the whole amount of the purchase money, together with the interest due thereon had been paid, and the terms of the certificate or the requirements of law concerning the same had been fulfilled.

**Title of bonds void'd in patent issues.** Sec. 15. The title to all the said lands shall remain vested in the state, until a patent shall issue for such as are fully paid for as aforesaid ; and in case of the non-fulfilment by the purchaser, or purchasers, of the terms of the certificate as is therein set forth as aforesaid, or in case of the non-fulfilment by the purchaser or purchasers of the requirements hereinbefore provided, the said certificate shall be void and of no effect, and all the interest of the purchaser, or any person claiming under him by virtue of the said certificate or provisions of law, shall be absolutely forfeited and become

**When certificate void.**

## LAWS OF MICHIGAN.

void, and the possession thereof shall, without any act or proceeding in law, or otherwise, revert in the state, and it shall immediately after such forfeiture be deemed to be in actual possession thereof, and the commissioner may resell the same pursuant to the provisions of law: *Provided*, That in all cases where security has been taken from the purchaser by the commissioner for the payment of any money to become due and payable agreeably to the terms and requirements of the certificate of purchase contemplated in the 13th section of this act, the commissioner shall have power to sue for and recover such amounts as may become due and payable as aforesaid, for the payment of which such security was given.

Com'r may resell.

Sec. 16. All the improved portions of the university and school lands, shall be subject to sale at the respective prices at which they were severally offered at the last annual public sales, until the improvements on the same shall be appraised as is hereinafter provided.

Price of improved lands

Sec. 17. Whenever either the university or school fund will, in the opinion of the commissioner, be benefitted by laying off any section or part of a section into small lots, or into village lots, the said commissioner is hereby authorized to cause the same to be done; and he may sell the same at the respective minimum prices established in this act; or if in his opinion the said lots exceed in value such prices, he may cause the same to be appraised by three disinterested freeholders of the county in which such lands are situated, who shall, being first duly sworn, appraise the same at their true value, and make returns of such appraisal duly certified to the commissioner. In such case, the said lots shall be subject to sale under the terms, restrictions, requirements, and conditions of payment and forfeiture as is provided in this act, and shall be at the prices so severally appraised until a new or subsequent appraisal shall be made, which the commissioner in his discretion may cause to be had, in like manner as aforesaid. And the commissioner may also reserve from sale such portions of the university and school lands, so long as in his opinion it may not be advantageous to sell and dispose of the same.

Com'r. may lay off any lands.

Conditions.

Sec. 18. All university and school lands forfeited on account of the non-payment of either principal or interest, or both as aforesaid, shall, before the same shall become subject to private entry, be offered at public auction, and the minimum price per acre of such improved portions or tracts of which, shall be such as shall be determined and fixed by the commissioner as hereinafter provided.

Forfeited lands offered at public auction before private sale.

# LAWS OF MICHIGAN.

**Published.** The sale thereof shall be held at such times, and at such place or places as shall be designated in a notice containing a description of the lands so forfeited, and which notice shall be published in a newspaper printed in the county in which such lands are situated, and if there be no newspaper published in said county, then in a newspaper published in an adjoining county, if there be one, if not, then in such newspaper as the commissioner shall designate, at least four weeks before the time of sale.

**Lands under certificates to be taxed.** Sec. 19. All persons holding lands by virtue of the certificate of purchase as aforesaid, shall be liable to be taxed for the value of said lands: *Provided*, The same shall be valued and taxed as personal property, and not as real estate, and be collected in the manner provided by law for the assessment and collection of taxes on personal property; and such certificate shall be sufficient evidence of title in the purchaser or his heirs or assigns, to enable him or them to support an action of trespass on the lands held by virtue thereof; and such certificate shall entitle the purchaser to the immediate possession of such land, and shall be subject to record in the same manner that deeds of conveyance now are.

**Pay to state treasurer.** Sec. 20. Any purchaser of university and school lands may pay to the State Treasurer either principal or interest which may be due from him on his certificate of purchase, for which amount so paid, the said Treasurer shall give his receipt which shall be countersigned by the Auditor General, and a statement of which payments shall be transmitted by the treasurer to the commissioner, on or before the 1st day of each and every month of the year.

**Appraisal.** Sec. 21. For the purposes of appraisal of improvements on the improved portions of the university, school, and state building lands, as is hereinafter mentioned, the commissioner shall cause to be prepared, on or before the first day of June in each year, lists of all the forfeited lands in the several townships in which they are situated, and also lists of the unsold lands which he may have cause to believe are improved, and transmit the same to the appropriate clerks of the respective counties, together with such forms of returns and certificates of appraisements as he shall direct, to be distributed forthwith, by the said clerks respectively, to the several supervisors of the townships to whom the same may be directed; and upon return of such appraise-

**Duty of co. clerk.**

## LAWS OF MICHIGAN:

ment, as is hereinafter mentioned, the amount of value of the improvements on each tract or parcel, shall be divided by the number of acres thereof, and that amount, together with the minimum price per acre, as hereinafter established for the unimproved lands, shall be the specific minimum price per acre of said tract or parcel so appraised, until altered by subsequent appraisalment; but the unimproved forfeited lands shall remain at the minimum price per acre, as established for the unsold and unimproved lands as aforesaid.

Sec. 22. Every supervisor of a township, upon receiving the lists and forms as aforesaid, shall, as an agent under this act, take and subscribe the constitutional oath of office, before any officer authorized by law to administer oaths, and who shall administer the same free of charge; and the said supervisor shall thereafter proceed to estimate and appraise the value of the improvements on the lands mentioned in said lists, and, after making such appraisalment according to the form directed by the commissioner as aforesaid, he shall make returns thereof duly certified, together with his oath, taken and subscribed as aforesaid, to the commissioner, on or before the first day of August in each and every year.

Sec. 23. The said supervisor, after having made such appraisalment shall, also, on the second Monday in July in each year, let and lease at public auction to the highest bidder, the improved parcels or tracts, and also the meadows of said lands in such convenient quantity according to the legal subdivision thereof, as in his opinion may be most productive of benefit to the respective funds, and shall execute to the lessee a lease for the lands so bid off, and rented, the term of which lease shall be one year, to commence on the 1st day of September next, and to terminate on the thirty-first day of August, in the year following; and he shall annually lease thereafter, in like manner, for the term of one year, to commence and terminate on the thirty-first day of August, as aforesaid. Said lease shall enable the lessee to maintain an action of trespass on the lands therein mentioned, but shall not be construed as authorizing the lessee to cut, injure, carry away, or otherwise destroy any of the timber or fences, buildings or other property found or situated on said lands. The terms of payment, unless the rent be paid at the time of leasing, in money, shall be, one half the amount of rent on the first day of March succeeding the date

Duty of supervisor.

Supervisor may lease lands.

Power of lessee.



of the lease, the balance at the expiration of the lease as aforesaid, except for meadow lands, the whole amount of rent for which shall be paid on the first day of March as aforesaid, to be secured by negotiable notes of hand, drawn jointly and severally, be made payable to the commissioner of the land office or bearer, and executed by the lessee and two other persons as sureties, to be approved by the supervisor; and in case of the non-payment of the rent, or any part thereof, whenever the same shall become due as aforesaid, the supervisor shall, in the name of the commissioner, sue for and collect the same according to law.

10 days notice of leasing to be given &c.

Sec. 24. At least ten days' notice of such leasing shall be given by the said supervisor, by posting up written notices in three of the most public places in the township; in which notice shall be set forth the description of the lands and meadows intended to be leased, and the time and place of leasing, which leasing shall be done at the most public and convenient place in the township. And the said supervisor, before he shall proceed to discharge the duties prescribed in the preceding section, shall execute to the commissioner of the land office a bond, in the penal sum of one thousand dollars, conditioned that he will honestly and faithfully discharge the duties under this act, and that he will pay over all moneys which he may receive, or which may come into his possession by virtue thereof, whenever required so to do by law; which bond shall also be signed by at least two sufficient sureties, to be approved by the county clerk, to be by him kept on file in his office.

Supervisor to make return, &c.

Sec. 25. The supervisor aforesaid shall, on or before the first day of August, or at such other time as the commissioner may direct, make returns of his proceedings under the sections preceding, to the said commissioner, according to the forms hereinbefore mentioned, which returns shall also contain the names of the sureties of said supervisor and their places of residence; and he shall also, on or before the first day of January, April, July and October, pay over to, and cause to be deposited with the Commissioner or State Treasurer, all monies received by him under this act, and shall also, at the same time transmit a statement to the Commissioner, of the names of the persons from whom the same was received, and the class of lands to which it belongs. And the said supervisor shall be entitled to receive

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and retain, out of any monies collected and paid over to him according to the provisions of this act, the sum of two dollars per day for each and every day actually employed in the discharge of the duties herein prescribed, and he shall, at the time of transmission of the statement above mentioned, also make and certify, under oath, an account of the number of days he was engaged in such services, and the amount retained by him in payment of the same.

Compensation of supervisor.

Sec. 26. The Commissioner shall direct the manner, terms, and conditions of leasing the said improved and meadow lands, until the first day of September next; and he may also, if in his opinion the said funds will be benefitted, or the public convenience be promoted, prescribe such additional regulations and impose such additional duties on said supervisors, as he may deem necessary to attain the objects aforesaid; and such regulations, directions and duties, so prescribed and imposed, shall be observed and performed by the said supervisors and be as equally binding upon them, as if they were specially mentioned in this act.

Duties and powers of com'r.

Sec. 27. If, on account of the sickness, death, resignation, or removal of any of the said supervisors, or for any other cause he shall be unable or disqualified to perform the duties imposed on him in this act, then the township clerk of the said township shall do and perform the same, under the obligations and requirements hereinbefore specified, and he shall receive the same compensation provided for the supervisor, and to be paid in the manner aforesaid. And if the supervisor or township clerk, as the case may be, shall refuse or neglect to do and perform any of the duties herein required of him, he shall be liable for the amount of damages incurred by reason of such neglect or refusal to perform said duties, and the commissioner may sue for and recover, in the name of the state, for such damages as may be shown to have been sustained by the respective and appropriate fund, and collect the same according to law.

When clerk to do Duties of supervisor.

Sec. 23. The State Geologist shall cause to be procured from the office of the surveyor general at Cincinnati, the field notes, and notes of meanderings of the lakes and streams across and upon such sections of said lands as are thereby made fractional, and, after obtaining the same, shall cause to be laid off and sub-divided the said sections into such lots and fractions, the contents of which shall be de-

Duties of state geologist.

signed, as may be suitable and convenient for sale, and as may enable the Commissioner to dispose of the same by the numbers or description thereof, and where the United States surveys may have neglected or omitted such meanderings, said geologist shall cause the same to be done by the county surveyors of the respective counties in which the lands are situated, when in the opinion of the commissioner it shall be necessary.

Relative to  
lands in  
Ohio.

Sec. 29. It shall be the duty of the commissioner to personally examine into the situation and condition of the university lands lying near Toledo, in the state of Ohio, and if, in his opinion, it would be proper or advantageous to the fund to sell the said lands, or to offer the same for sale, he is hereby authorized so to do, under the restrictions and according to the terms hereinbefore prescribed, and which shall be applicable to, and binding upon, all purchasers thereof.

*Concerning State Building Lands.*

State build-  
ing lands.

Sec. 30. The minimum price of the unsold and unimproved state building lands shall be twelve dollars per acre, and the minimum price of the improved lands shall be such as may be fixed and determined by the commissioner, according to the provisions of the twenty-first section of this act; but none of said lands shall be sold for less than twelve dollars per acre, as aforesaid.

Terms of  
payment.

Sec. 31. The terms and conditions of payment, of both principal and interest, shall be the same in all respects as is prescribed in the eleventh section of this act, for the sale of university and school lands and all sales shall be made under similar restrictions and provisions as are applicable and prescribed for the sale of those classes of lands; and, upon the sale of any of said state building lands, the commissioner shall make out and issue a certificate of purchase for the same in like manner as is prescribed in the said eleventh section of this act, which certificate, and the holder thereof, shall be subject to all the penalties of forfeiture, and shall be governed by all the terms, conditions and provisions of law, herein enacted, concerning university and school lands.

Duties of  
com'r.

*Concerning Internal Improvement Lands.*

Sec. 32. The minimum price of the half million acres of land granted by act of Congress September 4, 1841, to this state for in-

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ternal improvement purposes, shall be one dollar and twenty-five cents <sup>Int. Imp. lands.</sup> per acre, and no lands included within this class, shall be subject to private entry (except by pre-emption claimants, as is hereinafter provided,) until the same shall have been once first offered at public auction, nor shall they be sold for less than their respective minimum prices, and all lands not sold at such public auction, shall be subject to sale at any time at their minimum prices, respectively.

Sec. 33. All lands or other property belonging to the state or in which it may have any interest, that has been or may be derived from the assets of the Michigan State Bank, or which has been or may be derived from any other source in payment of debts to the state shall be appraised by the Commissioner, the Auditor General, Secretary of State, and State Treasurer, or any two of them, as soon as the title to the same or any part thereof may be perfected and vested in the state, which appraisal shall be in writing, and copies thereof filed in the offices of the Commissioner and Auditor General. And the said lands or property, after being once offered at public auction, at the appraised value, and not sold, shall remain in the said land office subject to sale at any time, at a minimum price not less than the aforesaid appraised value, or of any subsequent appraisal, which the appraisers aforesaid are hereby, in their discretion authorized to make. <sup>All other lands belonging to the state to be appraised.</sup>

Sec. 34. On the sale of any of the said lands, the Commissioner shall make out and deliver to the purchaser or purchasers thereof, a certificate of purchase, which shall contain a description of the lands purchased, the contents thereof, the amount paid therefor, the date of the sale and the name of the purchaser, and shall endorse on the same the kind of funds or evidences of debt received in payment, which certificate shall also provide that upon presentation of the same at the office of the Secretary of State, the purchaser shall be entitled to receive a patent for the lands therein described, from the Governor pursuant to law. <sup>Duty of com'r. on sale of lan's.</sup>

Sec. 35 Whenever it may be necessary to offer any of said lands at public sale, the Commissioner shall give notice thereof at least four <sup>Notice.</sup> weeks before the day of sale, by causing the said notice, in which shall be set forth the names or numbers of the townships and ranges in which lands intended to be offered are situated, and the time and place of the sale, to be published in a newspaper printed in each county, if

be any so published, in which such lands are situated, and also there in the state paper.

Com'r. to  
make out  
certificates  
and transmit  
to Govern'r.

Sec. 36. The Commissioner shall, on or before the first day of January, April, July, and October, in each year, cause to be made out a statement of all certificates of purchase issued by him for said lands, the numbers thereof, the descriptions of the lands mentioned in each certificate, and the names of the purchasers, and transmit the same to the Governor, who shall, on the receipt thereof, execute patents for the lands mentioned in said certificates to the purchasers thereof, or their assigns, and such patent or exemplified copy thereof, shall be received as evidence of the facts contained therein in all courts of justice; *Provided*, That no such patent shall be issued by the Governor unless he shall be satisfied that the title of the state to the lands mentioned and described in the statement aforesaid, is perfect and complete.

When pa-  
tent to be de-  
livered by  
sec'y. state.

Sec. 37. The Secretary of State shall not deliver to any purchaser, such patent, until the original certificate of the Commissioner shall be deposited in his office, unless the same shall have been lost or destroyed, and upon the affidavit of the purchaser or his legal representative of that fact, the Commissioner shall issue to him or them a duplicate of the original certificate, and upon the presentation of such duplicate, certificate and affidavit to the Secretary of State, he or they shall be entitled to receive a patent for the land purchased, and all such certificates and affidavits shall remain on file in the office of the Secretary of State.

Evidence of  
title.

Sec. 38. The certificate of purchase given by the Commissioner to any purchaser of said lands in pursuance of the foregoing provisions shall be sufficient evidence of title to enable such purchaser to maintain an action of trespass, or other proper action for any injury to said lands, or to recover possession thereof, and the said lands shall be liable to be taxed after the issuing of such certificate.

Pre-emption  
rights.

Sec. 39. In case any person, at the time of the location and selection of any of the lands granted by the act of Congress of September 4, 1841, to this state for internal improvement purposes as aforesaid, was in actual possession of the same, and had made improvements thereon, with the intention of securing a pre-emption right by virtue of the laws of Congress, he shall be entitled to purchase said lands

at the minimum price hereinbefore established for said lands, within one year from the passage of this act: *Provided*, Evidence of such possession, improvements, and intention, satisfactory to the commissioner, be filed with him before the time of public sale authorized as aforesaid, or before the lands so claimed are sold to any other person: *And provided also*, That no person shall be entitled to claim by such pre-emption right, more than one hundred and sixty acres.

Sec. 40. All warrants drawn by the Auditor General, now outstanding, or that may hereafter be drawn in pursuance of law against any of the funds of this state, and all treasury notes, shall be receivable in payment for all lands embraced in this class, and the Commissioner shall, at the time of the reception of such warrants, endorse, the amount of interest on each when received.

*Miscellaneous Provisions.*

Sec. 41. All books and papers of every name and description in possession of any officer, touching or concerning any of the public lands of this state, except such as are properly and appropriately a part of the records and files of their offices, shall be transferred to the office of the Commissioner of the land office.

Sec. 42. The State Geologist shall, as soon as the same are completed, furnish the office of the Commissioner of the land office with a map of each of the several counties of this state.

Sec. 43. The Commissioner shall, on or before the first day of April in each year, transmit to the county treasurers of every county in which any of the lands mentioned in this act, may have been sold, a statement of the description of the lands, and the names of the purchasers; and said treasurer shall give to the supervisors of the several townships in his county, in which such lands are situated, a statement of the said lands, and the names of the purchasers, for the purpose of taxing the same.

Sec. 44. The register of deeds of the several counties, are hereby authorized to record the patents issued by the Governor, in conformity with the provisions of this act, in their respective offices, and the record of said patent shall be as valid and effectual as though the same had been witnessed and acknowledged as other conveyances of real estate are by law required to be.

Sec. 45. If the said commissioner, his deputy or clerk, shall ap-

appropriate any of the public moneys or evidences of debt that may be officially received into the said land office, to his or their own private use, except in pursuance of law; or shall lend to others, or otherwise embezzle any of the said moneys or evidences of debt received as aforesaid, he or they shall be prosecuted for said offence, and on conviction thereof, be punished by fine and imprisonment,

**Penalties.** the fine not to exceed five thousand dollars, and the imprisonment not to exceed five years in the state prison, at the discretion of the court.

**Expenses of land office.** Sec. 46. The incidental expenses of the said land office shall be paid out of the appropriate funds incurring the same, and said expenses, with such vouchers thereof as are satisfactory to the board of state auditors, shall be allowed by them, at their annual settlement with the commissioner, in pursuance of law.

**When sales of land void.** Sec. 47. All sales of land made through mistake, or fraud, or not being in accordance with law, and all certificates of purchase shall be void and of no effect, and no rights under the same shall accrue or be exercised by the holders of such certificates. And they shall be required to surrender the same to the commissioner, who shall refund to them the same amount, and in like funds as were paid by them on such certificates of purchase or payment.

**Assignees of certificates, their rights.** Sec. 48. The legal assignees of all bonafide purchasers of any of the lands mentioned in this act, shall be subject to, and governed by, the provisions of law applicable to such class of purchasers, of whom they are the assignees, and they shall be deemed to be on an equal footing, in all respects whatsoever, with their respective purchaser or assignor.

**How sales to be made.** Sec. 49. All sales of any of the lands in charge of the commissioner, as mentioned in this act, shall be made according to the subdivisions thereof by the United States surveys, unless the same shall have been or may be laid off into smaller or village lots in pursuance of law.

**Pre-emption rights.** Sec. 50. No claim or right of pre-emption to any of the lands mentioned in this act, excepting the lands granted by act of Congress, September 4, 1841, to this state, for internal improvement purposes, as aforementioned, nor any affidavits or statements, intended as proof of such right or claim, shall be considered or allowed by the

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commissioner; nor shall any act or provision of law now existing, be so construed as to grant or allow any such right or claim, excepting the lands granted for internal improvement purposes aforesaid, and as provided in the thirty-ninth section of this act.

Sec. 51. The right of way through any and all the forfeited or unsold lands mentioned in this act, for the purposes of construction and operation of any railroad or other public work of the state, shall be, and the same is hereby reserved to the state; and no damages for the same shall be claimed by, or allowed to any person who may have been a purchaser of said lands and forfeited the same, or who may become a purchaser of any of said lands.

Right of  
way secured  
to the  
state.

Sec. 52. All fines, penalties or damages, collected under, and by virtue of the provisions of this act, shall be paid over to the commissioner, or into the state treasury, and shall inure to the benefit of the appropriate fund to which it may properly belong.

Fines.

Sec. 53. All the bonds and mortgages of persons, given for or on account of loans from either the university or school fund, upon which are due and unpaid either principal or interest, shall be delivered over into the possession of the trustees appointed under the "act to provide for the collection of certain assets transferred to the state, and for other purposes," approved February 17, 1842, for the purposes of collection or settlement thereof. And the said trustees are hereby authorized to sue for and recover the amounts which may be due thereon, or to take and receive from said persons, such moneys, property or evidences of debt, in liquidation and settlement of the amount due on said bonds and mortgages respectively, as under the circumstances they may deem most advantageous for the funds aforesaid; and, upon liquidation, settlement and payment of said amounts due, they shall cancel and release the said bonds and mortgages, and deposit such moneys as they may receive on such settlement, in the state treasury, to the credit of the appropriate fund.

Bonds and  
mortgages.

Authority to  
collect and  
settle same.

Sec. 54. Every person who shall commit any wilful trespass on any of the lands owned, or held in trust or otherwise by the state, either by cutting down or by destroying any timber or wood standing or growing thereon, or by carrying away any timber or wood therefrom, or who shall injure or remove any of the buildings, fences, improvements, or property belonging to or in any wise appertaining to

Trespass.



said lands, or shall aid, direct or consent to any such trespass, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding five hundred dollars, or both fine and imprisonment in the discretion of the court. And it is hereby made the duty of every court having jurisdiction of such offence to specially charge every grand jury empanelled, to inquire into and present any person or persons offending against this act.

Damages.

Sec. 55. Any person who shall commit any trespass on any of the lands owned or held in trust by this state or otherwise, shall be liable in an action of trespass to be brought in the name of the people of this state, and they may recover three times the amount of damages that shall be assessed therefor, when such trespass shall have been wilful ; when otherwise, single damages only.

Forfeiture  
of lands.

Sec. 56. Upon the forfeiture by any person of any contract entered into for the leasing or purchase of any lands owned or held by this state, in trust or otherwise, such person shall forthwith surrender and yield up the possession of the same, and if such person or persons, his heirs, executors, administrators or assigns, shall neglect or refuse to yield up the possession thereof to the state, he or they shall be liable to an action of forcible entry and detainer in the same manner and under the same restrictions and penalties as though such person or persons were holding over contrary to the conditions and covenants of a lease or written agreement.

Duties of  
prosecuting  
attorneys.

Sec. 57. The prosecuting attorneys of the several counties, shall promptly report to the commissioner all cases of trespass on any of the public lands mentioned in, or contemplated by this act, which may come to their knowledge, or of which they may be informed, and they shall whenever requested by the commissioner, appear and prosecute all suits for trespass or otherwise, and either of them, or the attorney general, shall, whenever requested by the commissioner, advise with and give his or their opinion upon all subjects or questions of law which may be by said commissioner submitted to him or them, without unnecessary delay, and free of charge to the state, or to the said commissioner.

Transcript  
from books.

Sec. 58. In every case where suit has been or shall be instituted by the state, under or by virtue of the provisions of this act, a transcript from the books and proceedings of the land office, certified by

the commissioner and authenticated under the seal of the land office, shall be admitted as evidence, and the court trying the cause may <sup>Evidence.</sup> grant judgment and award execution accordingly. And all copies of bonds, contracts or other papers relating to or connected with the settlement of any account between the state and an individual, when certified by the commissioner as aforesaid to be true copies of the originals on file, may be annexed on such transcripts, and shall have equal validity and be entitled to the same degree of credit which would be due to the original if produced and authenticated in court. When suit is brought upon a bond or other instrument and the defendant shall file an affidavit with his plea denying the genuineness of the instrument, the court may take the same into consideration, and (if it shall appear necessary for the attainment of justice,) may require the production of the original bond, contract or other paper specified in such affidavit.

Sec. 59. The commissioner of the land office shall procure a seal of suitable device, which shall be known as the seal of the land office.

Sec. 60. The act to organize a land office and to regulate the sales of the public lands, approved March 6th, 1843, and all acts and parts of acts concerning the charge, superintendence, sale or other disposition of any or all the public lands mentioned in, or contemplated by this act, be and the same are hereby repealed; *Provided, Repealed.* That all acts and things legally done in pursuance of the provisions of the same, shall be valid in law; and all specific, positive and express rights granted to any person or persons, and all duties imposed upon any officer by such provisions, and which are not herein provided for, shall remain vested in him or them, and be obligatory upon such officer until otherwise provided by law.

Sec. 61. This act shall take effect and be in force from and after its passage.

Approved March 11, 1844.

## No. 69.

**AN ACT** authorizing marks and brands for Horses, Cattle, Sheep and Swine.

**Recorded.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That any person may apply to the town clerk of the township where he resides, and have such mark or brand as he may select, recorded in a book for that purpose, which said mark or brand shall be different from that of any other person before recorded in said town clerk's office; which mark or brand when made upon horses, cattle, sheep, or swine, shall be prima facie evidence of ownership of such animals, in the person having such mark or brand recorded.

**Evidence.** Sec. 2. Any person wrongfully altering such mark or brand, by cutting, defacing, obliterating, or in any manner destroying the marks or brand of the owner of any creature or animal, or shall mark or brand, with intent to wrong or defraud the owner of such animal, shall forfeit the sum of one hundred dollars to any person who shall sue for and prosecute the same to effect, before any court proper to try the same, and shall be liable also to the owner for double the amount of damages by him sustained.

**Penalty.** Sec. 3. The town clerk may demand and receive the sum of ten cents for recording each and every mark or brand, and the same sum for a certificate of said mark or brand, to be paid by such person as shall apply for such recording or certificate.

**Fees, &c.** Approved March 11, 1844.

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 No. 70.
**AN ACT** to amend the several acts to organize the Militia of this State.

**Rendezvous** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the rendezvous of officers, non-commissioned officers and musicians, for the purpose of improving in martial exercise, now directed by law to take place in the month of October in each year, shall hereafter take place between the first day of June and the thirty-first day of July in each year, by divi-

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sion, brigade or regiment, or separate battalion, as prescribed in the next section : *Provided*, That if the officers, non-commissioned officers, and musicians of any division, brigade or regiment, have, by a vote of the majority of the same, decided on encampment for three days, instead of the daily rendezvous for three days as now prescribed by law, then such encampment is hereby directed in place of said daily rendezvous at the next annual period for such rendezvous ; and in case, the adjutant and inspector general are to be notified , and the senior officer present, of the division, brigade, regiment or separate battalion, shall command : *And further*, That for the purpose of preserving order and rendering such encampment useful, the said officers, non-commissioned officers, and musicians, shall be considered as under arms from the rising of the sun on the first of said three days, until the setting of the sun on the last of said three days, and subject to orders and regulations during all of that time, as prescribed in section twenty-first, of the act approved April 23, 1833, and liable to the due exercise of all powers authorized in that section.

Sec. 2. The major general in each year may, by division order, fix the time and place in each brigade, regiment or separate battalion of his division, for the rendezvous of officers, or the encampment in lieu thereof, agreeably to the foregoing section ; and he may also in like manner fix the day and the place for the rendezvous of each regiment of his division each year, or he may by orders in each year dispense with either of said rendezvous, duly notifying the adjutant and inspector generals : *Provided*, That if the major general shall not have issued any order directing such rendezvous ; or dispensing with one or both, before the fifteenth day of April, then each brigadier general may, in and for his own brigade, issue such order, sending a copy to the major general and the adjutant and inspector generals : *And provided further*, That if neither the general of the division or of the brigade shall have issued such order before the first day of May, then the colonel or commanding officer shall, in his own regiment or separate battalion, issue such order previous to the day of company muster, as provided by law, sending a copy thereof to the brigadier general, who shall notify the major general.

Powers of Major General.

Powers of Colonel or commanding officer.

Sec. 3. The major general may, at his own discretion, attend the rendezvous or encampment of either brigade or regiment in his division.

Major General may or may not attend rendezvous.

vision, and the brigadier general of either or both regiments in his brigade: *Provided*, That if either the general of the division or brigade shall, with his staff, so encamp with the officers, non-commissioned officers and musicians, during said three days, he may in his discretion claim to be exempt from attendance at any regimental or battalion rendezvous within the year.

**Privileges to commissioned officers.**  
 Sec. 4. The privilege granted to non-commissioned officers in the fifth section of the act approved 23d of April, 1833, is hereby extended to all commissioned officers of the militia, on producing a certificate from his commanding officer, of his having been duly equipped, and done all his military duty, as required by law, during the preceding year.

**Repealed.**  
 Sec. 5. The twenty-fifth section of the act approved 27th of March, 1838, entitled "an act to amend an act to organize the militia," is hereby repealed.

**Repealed.**  
 Sec. 6. Sections one and fifteen of an act entitled "an act to amend the several acts relative to the militia," approved April 13, 1841, be, and the same is hereby repealed.

**Adjutant Gen'l. how appointed.**  
 Sec. 7. The adjutant general shall be appointed by the Governor, by and with the advice and consent of both branches of the legislature, and shall be of the rank of brigadier general, and shall hold his office for two years, and until his successor shall be appointed and qualified, and who shall receive for the discharge of all his duties as fixed by law and custom, the sum of three hundred dollars annually, payable in quarterly payments, as a full compensation.

**Distribution of arms, &c**  
 Sec. 8. No distribution of arms and equipments received by this state of the United States, shall be made, except by order of the commander-in-chief, and the officer receiving the same shall give a receipt therefor, and shall be personally responsible for the safe keeping and return whenever required by the commander-in-chief: *Provided*, That whenever the same are distributed to any regiment in which no uniform company is fully equipped, the same shall be received by the commanding officer of such regiment.

Sec. 9. All provisions of law conflicting with this act, are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 11, 1844.

No. 71.

**AN ACT to amend the charter of the city of Detroit.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section seven of the act entitled an act relative to the city of Detroit, approved April 4, 1827, be and the same is hereby repealed.

Sec. 2. The common council of the city of Detroit are hereby authorized to dispense with the service of any particular officer of said city, appointed by said council, and require the duties of his office to be performed by such other officer as they by resolution or ordinance may designate.

Sec. 3. The common council may appoint a suitable person as city auditor, who shall hold his office for and during the term of three years, to be removed only by a vote of two thirds of all the members of said council, whose duty it shall be to audit all accounts and claims presented against the city, and examine and adjust, at least once in every three months the accounts of all officers of said city, in such manner as the common council shall direct, and shall receive for his services such compensation as the common council may from time to time allow. Act amended.

Sec. 4. The said city auditor previous to entering upon the duties of his office, shall take and subscribe an oath for the faithful discharge of the same, and also enter into a bond in such a sum, and with such sureties as the common council shall approve of.

Sec. 5. This act shall take effect from and after its passage.

Approved March 11, 1844.

No. 72.

**AN ACT to amend an act entitled "an act to incorporate the Grand Rapids Bridge Company.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the completing the bridge mentioned and intended in the act entitled an act to incorporate the Grand Rapids bridge company, be, and is hereby extended to the first day of January, eighteen hundred and forty-six: *Provi-* Time for completed or extended.

*ded*, That said extension shall not prevent the supervisors of Kent county from building a free bridge across Grand River at Grand Rapids, and that said company shall not have any claim for damage on account of the building of said free bridge.

Approved March 11, 1844.

### No. 73.

**AN ACT to amend an act entitled "an act for the relief of certain settlers on University lands in the county of Oakland," approved March 9, 1843.**

Act amend-  
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Section one of an act entitled "an act for the relief of certain settlers on the university lands, in the county of Oakland," approved March 9, 1843, be amended by striking out the first section and substituting the following in lieu thereof: "The commissioner of the land office is hereby required to issue a certificate of purchase to Moses Rogers, for the east half of the south east quarter of section thirty one, in town one north, range ten east; to Ira Dunham, for the east half of the south west quarter of the same section; to William Maden, for the west half of the south west quarter of the same section; to William McDermott, for the south west quarter of section thirty, in town one, north, range ten, east; to Chauncy S. Wixon, for the north west quarter of section thirty, town one north, range ten, east; to Horatio Lee, George Maynard and Patrick McDonald, for the north east quarter of the same section; to Wm. Evans, for the east half of the south west quarter, and the west half of the south east quarter, section nine, town one, north, range ten east; to Thomas Evans, for the east half of the north west quarter of the same section; to Andrew Hoffman, the west half of the north east quarter, and the south east quarter of the south east quarter of the same section; to James Hoffman, for the west half of the north west quarter of the same section; in the manner and at the prices specified in the second and third sections of the act to which this act is amendatory: *Provided*, That nothing in this act shall authorize the sale of any of said lands at less than five dollars per acre: *Provided further*, That the aforesaid persons shall avail themselves of the provisions of this section within six month from the passage of this act."

Sec. 2. Section four of an act to which this act is amendatory, is hereby repealed.

Approved March 11, 1844.

No. 74.

**AN ACT to incorporate the Detroit and Birmingham Plank Road Company.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jonathan Kearsley, William Poppleton, Moses Peck, Peter Van Every and John P. Richardson, be, and they are hereby appointed commissioners under the direction of whom, or a majority of whom subscriptions may be received to the capital stock of the Detroit and Birmingham plank road company hereby incorporated; and they shall cause books to be opened at Peter Dox's tavern, in the township of Bloomfield, county of Oakland, and at the office of Jonathan Kearsley in the city of Detroit, county of Wayne, for two successive days, at such days as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the time and place of taking such subscriptions, by posting up notices thereof in Detroit, Bloomfield and Pontiac, and also by publishing said notice in a paper printed in Detroit, also in Pontiac; and the said subscribers shall pay three dollars on each share subscribed at the time of subscribing therefor, and they and their successors and assigns, for the period of twenty years after the passage of this act, be and the same are hereby constituted and declared to be a body politic and corporate under the name of the Detroit and Birmingham plank road company, and by that name they and their successors, for the period aforesaid, shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and that they and their successors by the name aforesaid, shall in law be capable of purchasing and holding any lands, tenements,

Com'rs.

Publishing  
notice.



placed between the city of Detroit and where said road shall be intersected by the Paint Creek road, so called.

**Toll.**

Sec. 7. As soon as the whole or eight miles of said road shall be completed, and permission as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for said president and directors to appoint toll gatherers to collect and receive of and from all and every person and persons using said road, at each and every of said whole toll gates, and at each half toll gate in proportion, such tolls and duties, to wit: For every score of hogs or sheep, fifteen cents; for every wagon drawn with two horses, mules or oxen, twelve and a half cents; for every additional horse, mule, or ox, three cents; for every coach, pleasure wagon or pleasure carriage drawn by two horses, twelve and a half cents; for every additional horse three cents; for every chaise, sulky, or pleasure carriage drawn by one horse, six and a quarter cents, and for every additional horse, three cents; for every cart drawn by two oxen, nine cents, and for every additional yoke of oxen, four cents; for every horse or mule, rode, led or driven, four cents; for every cart drawn by one horse, six cents; for all sleighs or sleds drawn by one or more horses, mules, or oxen, half the toll for vehicles on wheels; for every horse or mule and rider, six cents. And it shall and may be lawful for any toll gatherer to stop any person riding, leading or driving any horses, cattle or sheep, or article named above in this section, as subject to pay toll, until the same be paid: *Provided; however,* That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate, of or from any person passing to or from public worship on Sundays, or going to or returning from funerals, or going to or from a grist mill, for the grinding of grain for family use; or from any troops in the service of this State or the United States; or for the transportation of any property belonging to the United States or to this State.

**Mile stones.**

Sec. 8. The said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road, from Detroit northward to Birmingham, and on each stone or post shall be legibly marked or inserted, the distance the said post is from Detroit and shall also erect and maintain guide boards at the intersection of all public roads leading into or intersecting said plank road, on which

shall be inscribed the name of the place to which such road leads; and if any person shall wilfully cut, injure or destroy said mile post, guide boards or said road itself, or shall forcibly pass the gates without payment of toll, such person or persons shall forfeit and pay for every such offence twenty-five dollars, to be recovered by the said corporation in their corporate name, and for their benefit, in an action of debt, before any justice of the peace of the county where said offence is committed, or where the offender may be found; such offender or offenders shall also be liable to said company for all damages which said company shall sustain by reason of the commission of any wilful injury to said posts, guide boards or to said road.

Sec. 9. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of the said gates, or shall demand or receive more tolls than, by this act is established, he shall, for every such offence forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattles can be found to satisfy said judgment and costs, then in that case the personal property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

Sec. 10. The shares of said plank road shall be deemed and considered to be personal property, and shall be transferable in such manner as the president and directors may direct.

Sec. 11. Whenever complaint shall be made to either of the three commissioners appointed in pursuance of the provisions of this act, that any part or parts of said road is out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners who, with him, shall proceed to examine such part or parts of said road, and if the same shall, in the opinion of such commissioners, be out of repair, then the said commissioners shall give notice in writing of such defect, to the toll gatherer or person attending the gate nearest the place so out of repair, and may also, in their discretion, in the said notice, order such gate or gates to be thrown open, and the said gate or gates, so ordered to be thrown open, shall after service of such notice as aforesaid, be open and remain open; and no tolls shall be demanded until after said road is put in complete repair; and if such keeper of the gate shall not immediately, after the receipt

of said notice, open the gate, and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall take or demand any toll from any person or persons, after receiving such notice and until such repairs are completed as aforesaid, the toll gatherer or gate keeper, so detaining any person as aforesaid, shall forfeit and pay to the said person so detained as aforesaid, the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in any county where said detention occurs, and the property of said company shall be liable on said judgment, and the same may be taken in any execution issued thereon in the same manner as if the same were against said company in its corporate name; and the said commissioners appointed under and by virtue of this act, shall receive, as a compensation for their services one dollar and fifty cents per day for every day they are employed, to be paid by the toll gatherer nearest to where the service was rendered, out of the moneys collected at such places; and in default of such payment, said toll gatherer and the stockholders of said company shall individually, be liable to said commissioners.

**Books.** Sec. 12. The said board of directors shall keep a set of corporate books, open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road and fixtures, and also the expenditures of said company, and all moneys by them received, and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company whenever it shall be required, and the said directors shall make a semi-annual dividend to each and every stockholder of his proportion of the semi-annual profits, after deducting the expenses of collecting said tolls and of repairing said road and the fixtures thereto appended.

**By-laws &c.** Sec. 13. And the said board of directors shall have power to establish such by-laws and regulations as may be necessary for the management of the affairs of said company, and may appoint a secretary and treasurer to the board, and may do all further acts necessary to carry into effect the objects of this incorporation.

**Construction** Sec. 14. The said company in the construction of said plank road shall not allow any obstruction or difficulties to prevent or interfere with the travel on said turnpike, nor shall this act be construed in such a manner, as to interfere in any way with the provisions of law now

in force, for keeping said turnpike road in repair until such plank road shall be completed.

Sec. 15. If the said company shall not complete that part of said road which lies between Detroit and Royal Oak tavern, within two years from the passage of this act, and the balance of it within three years from the passage thereof, or if either of the toll gates on said road shall be kept open for the period of two months after notice is given that said road is out of repair, agreeably to the provisions of the eleventh section of this act, then, and in either case, the power and privileges granted to said company by this act, shall cease and be null and void. Time of completion.

Sec. 16. This act shall take effect and be in force from and after its passage, and the same may, at any time, be amended or modified by the legislature.

Approved March 11, 1844.

### No. 75.

**AN ACT** to amend an act entitled "an act to amend an act entitled an act to incorporate the stockholders of the Michigan Insurance Company of Detroit, approved March seventh, eighteen hundred and thirty-four and for other purposes, approved March ninth, eighteen hundred and forty-three."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "an act to amend an act entitled an act to incorporate the stockholders of the Michigan Insurance Company of Detroit, approved March seventh, eighteen hundred and thirty-four and for other purposes, approved March ninth, eighteen hundred and forty-three," be, and is hereby amended by striking out the words "heirs, executors and administrators" in section four of said act. Act amended.

Sec. 2. The affairs of said institution shall be under the management and supervision of a board of directors to be elected by the stockholders at a general meeting of such stockholders, consisting of not less than three nor more than twelve in number: *Provided*, That no person shall be elected such director unless he is a stockholder of said institution. Board of auditors.

Approved March 11, 1844.

## No. 76.

**AN ACT to incorporate the Grand Rapids academy.**

Incorporated.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That from and after the passage of this act, Daniel Ball, John Almy, James Ballard, Francis H. Cumming, Jonathan F. Chubb, Charles Shepard, Samuel F. Butler, Amos Rathbone, and Truman H. Lyon, of the county of Kent, and their successors, be and they are hereby constituted, and declared to be a body corporate and politic, in fact and in name, to be styled "the trustees of the Grand Rapids academy ;" that by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of record whatever, and in all manner of suits, actions or complaints whatever ; and that they and their successors may have a common seal, and change and alter the same at their pleasure ; and that they and their successors, by the name of the trustees of the Grand Rapids academy, shall be in law capable of acquiring and holding, by purchase, gift, grant, devise, bequest or otherwise, and of selling, conveying or leasing, any estate, real, personal, or mixed, for the use of said corporation ; for the purposes hereinafter mentioned, and no other, and that no sale of real estate shall be made without the vote of two thirds of all the trustees, and that they and their successors shall have full power to make and enter into contracts to make such rules and by-laws as they may deem necessary for the good government and success of said institution : *Provided, Such by-laws are not inconsistent with the constitution and laws of the United States or of this state: And provided further, That the amount of the property held by such corporation shall not exceed the sum of thirty thousand dollars.**

Power.

*Sec. 2. Said trustees of Grand Rapids academy shall have power to establish at such time and at such place at or near the village of Grand Rapids, in the county of Kent, as they may judge best, an institution for the instruction of youth in the various branches of literature.*

*Sec. 3. That the said Daniel Ball, John Almy, James Ballard, Francis H. Cumming, Jonathan F. Chubb, Charles Shepard, Samuel F. But-*

ler, Amos Rathbone, and Truman H. Lyon, shall be trustees of said academy, and have and exercise the power and franchise herein granted, until others be appointed in their places; they and their successors shall have power to fill all vacancies in their own body, which may happen by death or resignation. They shall appoint a president of said academy, who shall ex-officio be president of the board of trustees, and have the power of giving the casting vote in case of an equal division; a majority shall constitute a quorum for the transaction of business, except otherwise determined by the rules and by-laws which may hereafter be adopted by the board.

Trustees appointed.

Sec. 4. That at the first meeting of said trustees, they shall divide themselves into three classes of three members each; the term of office of the first class shall terminate at the end of the first year; the term of the office of the second class shall terminate at the end of the second year; and the term of the office of the third class shall terminate at the end of the third year; so that one third of the number of trustees shall be chosen annually.

Duty of trustees.

Sec. 5. The board of trustees shall apply all funds in money or otherwise, by them collected, received or acquired, according to their best judgment, in erecting and keeping in repair suitable buildings, supporting the necessary officers and instructors, in procuring books, maps, or other articles necessary to insure the success of said institution, or in lessening the expense of education at the same, or improving the health of the students belonging thereto.

Money.

Sec. 6. Any three of the before mentioned trustees are hereby authorized to call and name the time and place for the first meeting of the board, and this act is hereby declared to be a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof in all courts of this state.

Sec. 7. The legislature shall have the power at any time of amending or repealing this act.

Approved March 11, 1844.

## No. 77.

**AN ACT** authorizing the building of a dam across the River Raisin.

**Dam.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alonzo Hickox, his heirs and assigns, be, and they are hereby authorized and empowered to build a dam across the River Raisin, on the north west fraction of section twenty-one, in town seven south, of range five east : *Provided*, That said dam shall not be more than four and a half feet high above common low water mark: *Provided further*, That there shall be constructed and continued on said dam, a good and sufficient apron, at least fourteen feet wide, for the passage of rafts, timber and logs.

**Not to claim damages.** Sec. 2. If at any time hereafter the water should be required to be drawn from said river, for the purposes of internal improvement or navigation, it shall not be lawful for said Alonzo Hickox or any person or persons owning said dam, to claim or recover any damages therefor.

**Not to flow.** Sec. 3. Nothing herein contained shall be deemed to authorize the entering upon, or flowing of any land without the consent of the owner thereof: And this act may be amended or repealed at any time by the legislature.

Approved March 11, 1844.

## No. 78.

**AN ACT** to attach the county of Huron to the county of St. Clair for judicial and other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county of Huron be and the same is hereby attached to the county of St. Clair for judicial purposes.

**Attached.** Sec. 2. The counties of Sanilac and Huron, be and the same are hereby attached to the township of Lexington in said county of St. Clair, for purposes of taxation.

Sec. 3. All acts and parts of acts contravening the provisions of this act, be and they are hereby repealed.

Approved March 11, 1844.

LAWS OF MICHIGAN.

No. 79.

**AN ACT** authorizing executors and administrators to convey lands in certain cases, under the direction of the courts of Probate; and to permit sales of real estate at less than the full appraised value in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That whenever a deceased person shall have been in his lifetime under contract binding in law or equity, to deed any lands or tenements to any other person, the probate court may, on application for that purpose, and proof of such contract, grant license to the executor or administrator of such deceased person, to convey such lands according to such contract; and if the contract shall be to convey lands to the executor or administrator, the judge of the court shall execute the deed. <sup>Who may execute deeds.</sup>

Sec. 2. No probate court shall, however, grant the license provided for in the preceding section until notice of the application for that purpose shall have been publically given, under the order of such court, appointing a time and place for the hearing of such application, by publishing the same in such newspaper as the court may direct, for three weeks successively, previous to the time so appointed, and specifying therein the time and place of hearing, nor if it shall appear to the court on the hearing, that the assets in the hands of the executor or administrator will thereby be so reduced as to prejudice any creditor. <sup>License.</sup>

Sec. 3. In all cases where a deceased person shall, in his lifetime, have held lands, alone or jointly, in trust for any other person, or where lands shall have been set off on any execution to such deceased person or to his executor or administrator, on any debt in the name of such deceased person, but being the proper debt of some other person, and not belonging in any wise to the estate of the deceased person, the probate court may, after notice given as provided in the first section of this act, grant license to the executor or administrator to convey such lands to the person or persons for whose use and benefit they may be holden, and the probate court may decree the execution of any such trust whether created by deed or by law. <sup>Lands held by deceased in trust.</sup>

Sec. 4. In all cases where any lands or tenements have been con-



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**Not to claim damages.** Sec. 2. If at any time hereafter the water should be required to be drawn from said river, for the purposes of internal improvement or navigation, it shall not be lawful for said Alonzo Hickox or any person or persons owning said dam, to claim or recover any damages therefor.

**Not to flow.** Sec. 3. Nothing herein contained shall be deemed to authorize the entering upon, or flowing of any land without the consent of the owner thereof: And this act may be amended or repealed at any time by the legislature.

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Sec. 3. All acts and parts of acts contravening the provisions of this act, be and they are hereby repealed.

Approved March 11, 1844.

LAWS OF MICHIGAN.

112

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Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That whenever a deceased person shall have been in his lifetime under contract binding in law or equity, to deed any lands or tenements to any other person, the probate court may, on application for that purpose, and proof of such contract, grant license to the executor or administrator of such deceased person, to convey such lands according to such contract; and if the contract shall be to convey lands to the executor or administrator, the judge of the court shall execute the deed. <sup>Who may execute deeds.</sup>

Sec. 2. No probate court shall, however, grant the license provided for in the preceding section until notice of the application for that purpose shall have been publically given, under the order of such court, appointing a time and place for the hearing of such application, by publishing the same in such newspaper as the court may direct, for three weeks successively, previous to the time so appointed, and specifying therein the time and place of hearing, nor if it shall appear to the court on the hearing, that the assets in the hands of the executor or administrator will thereby be so reduced as to prejudice any creditor. <sup>License.</sup>

Sec. 3. In all cases where a deceased person shall, in his lifetime, have held lands, alone or jointly, in trust for any other person, or where lands shall have been set off on any execution to such deceased person or to his executor or administrator, on any debt in the name of such deceased person, but being the proper debt of some other person, and not belonging in any wise to the estate of the deceased person, the probate court may, after notice given as provided in the first section of this act, grant license to the executor or administrator to convey such lands to the person or persons for whose use and benefit they may be holden, and the probate court may decree the execution of any such trust whether created by deed or by law. <sup>Lands held by deceased in trust.</sup>

Sec. 4. In all cases where any lands or tenements have been con-

**Lands conveyed as security.** •  
veyed to any person subsequently deceased, jointly with other persons, to secure or indemnify them against any liability as sureties, and the surviving surety or sureties shall have paid the whole debt, then, upon application and notice as herein before provided, and upon releasing the estate of the deceased person from all claim in respect of such debt, the judge of probate may direct the executor or administrator of such deceased person to execute to the surviving surety or sureties a release of all the right, title and interest which the said deceased person in his lifetime had in and to the said lands and tenements.

Sec. 5. All deeds or conveyances executed according to the provisions of this act, shall be as valid and effectual for the purposes therein intended, as if executed by the person or persons so deceased in their lifetime.

**Proceedings.**  
Sec. 6. Whenever an administrator or executor has not been or may not be able to sell the real estate of the deceased, pursuant to license duly granted in that behalf, at the full appraised value as now required by law, and an adjournment has been or may be duly made, upon application of such executor or administrator under oath showing the fact, and that a faithful endeavor has been made to procure such appraised value, the court by whom such license was granted, may, in his discretion, grant an order permitting such real estate to be sold on such an adjourned day, or at such other time or times as the same may be regularly adjourned to, to the highest bidder, which highest bid shall, however be at least one half of said appraised value: *Provided however*, That prior to such sale, the said executor or administrator shall take and subscribe an oath that he has no sinister views in the premises, and that he will faithfully endeavor to procure the highest price for said real estate at such sale. And upon said sale the purchaser shall be entitled to a deed, in the manner now provided by law.

**Proceedings.**  
Sec. 7. Where property of which partition is sought, or any part thereof, cannot be divided without prejudice to the owners, and a sale thereof shall be deemed necessary or proper, and a sale thereof cannot be effected at the time fixed for that purpose at the full appraised value, as now required by law, the said sale may be adjourned, and upon application under oath by the person or persons to whom the sale was entrusted, showing that it could not be made for said apprais

ed value, and upon deeming it best, the court who granted the order of sale may thereupon grant a further order permitting such real estate to be sold on such adjourned day, or at such other time or times as the same may be duly adjourned to, to the highest bidder, but which highest bid shall be at least one half such appraised value: *Provided however*, That before such sale the person or persons making the same, shall take and file with the court a like oath to that required of an executor or administrator in the preceding section.

Sec. 8. That the court in which proceedings for the partition of lands may be pending, shall have power to award a division and severance of the interest of the defendants, or any of them in said lands, in the same manner as it may award a division of the interest of the petitioner, and whenever the joint tenancy in common, of any defendant shall be denied by a co-defendant, and it shall become necessary to determine the same in order to effect a complete and final partition, so far as the rights of the parties are concerned, the court may direct an issue, to be formed on the record, and direct the jury to inquire into, try and determine as well the tenancy of the defendant so denied, as the other issues joined in the pleadings in the cause.

Courts may order a partition and severance of interest.

Sec. 9. Nothing contained in this act, or in the act to provide for the equitable settlement of the estates of deceased persons, approved March 8, 1843, shall be so construed as to prevent the sale of so much of the real estate of any deceased person, as may be required to pay and satisfy the necessary costs and charges incurred in the settlement of such estate; but for the purpose of defraying such costs, charges, and taxes, the judge of probate may grant a license of sale to the highest bidder, of sufficient real estate of the deceased, and the same may be sold in conformity with the provisions of law in force previous to the passage of the act aforesaid.

Construction of this act.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 11, 1844.

## No. 80.

AN ACT supplementary to an act entitled "an act to alter, lay out and establish certain state roads therein mentioned," approved March 9, 1843.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled "an act to alter lay out and establish certain state roads therein mentioned," approved March 9, 1843, is hereby so amended, that the supervisor of the township of Harrison, Macomb county, be, and he is hereby authorized upon the request of either of the commissioners who laid out the state road running from Jefferson Avenue, in Wayne county, to Mt. Clemens, in Macomb county, to summon by citation in writing, six freeholders, to assess the damages to any farm of land through which said road may be laid in the township of Harrison, in Macomb county: *Provided*, Said appraisers shall in no way be interested in any farm of land they may be summoned to appraise, or of kin to the party who owns the said farm to be appraised by virtue of this act.

Supervisor  
authorized  
to summon  
freeholders.

Damages.

Sec. 2. The damages to any farm of land to be appraised as aforesaid, shall be deemed a lawful charge against the township of Harrison, and shall be assessed and levied as other township charges and expenses are now by law levied and collected.

Sec. 3. That David Shook of Macomb county, be, and he is hereby appointed one of the commissioners to open said road, in the place of John Stockton.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 11, 1844.

## No. 81.

AN ACT to amend an act granting to certain debtors to the State the privilege of paying the State in State Bonds, &c, approved February 11, 1842.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Auditor General of the state be authorized and required to sell, assign and transfer to Alfred Wil-

liams and such other person or persons as he may associate with him for the purchase of the same, the mortgage of the Detroit and Pontiac rail road company to the Auditor General, upon the Detroit and Pontiac rail road, on their tendering to him in consideration therefor, at any time within six months after the eleventh day of February, in the year eighteen hundred and forty-six, the amount which may be due on said mortgage in the same liabilities of this state, in which the said Detroit and Pontiac Railroad Company are granted the privilege of discharging said mortgage by the act to which this act is amendatory: *Provided*, The said Detroit and Pontiac Railroad Company shall not have previously paid and discharged said mortgage.

Approved March 11, 1844.

Privilege granted to buy mortgage.

No. 82.

**AN ACT making an appropriation for the payment of extra expenses incurred by the Adjutant General.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be, and is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two hundred dollars for the payment of extra expenditures of the Adjutant General, in procuring an adjustment of accounts with the General Government, by which the legal quota of arms due this state were obtained.

Appropriation.

Sec. 2. This act shall take effect from and after its passage.

Approved March 11, 1844.

No. 83.

**AN ACT for the relief of the University of Michigan:**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That upon the regents of the university of the state of Michigan, conveying to the state by deed all their interest in the lot of ground and building thereon, situated, and being in the city of Detroit, and known as the female seminary lot, bounded southerly on Fort street, westerly on Griswold street, northerly on Michigan avenue, and eastwardly by land on which the build-

Deeded to state by bond.

ding of the depot of the Central railroad are situated, the treasurer of the state shall credit the said regents with eight thousand and ninety-five dollars, as so much money paid by them to the state, on the principal of the "Michigan University State Stock," issued for the benefit of the university under an act entitled "an act to authorize a loan of a certain sum of money to the university of Michigan," approved April 6, 1838.

Int. Imp.  
warrants.

Sec. 2. All internal improvement fund warrants heretofore received by the regents of the university in payment of any debt due them or hereafter received by them in payment of any debt or for property sold by them, not exceeding in the whole, seven thousand dollars, shall be received and credited in manner aforesaid by the State Treasurer, whenever the same shall be paid over to the said treasurer by the regents.

S. Treasurer  
to credit  
regents.

Sec. 3. The State Treasurer shall also credit the regents, in manner aforesaid, on the passage of this act, with the amount of state scrip now in the treasury, and received in payment of university lands, and he shall also, at the same time, credit the university interest fund with interest on said sum so credited as principal, from the time it was received in the treasury, up to the time of giving the aforesaid credit.

To prepare  
sums.

Sec. 4. The State Treasurer is hereby authorized and directed to cause suitable rooms to be prepared in the building upon said premises, for the offices of the Auditor General, and State Treasurer, and a session room for the supreme court and court of chancery.

Sums credited,  
&c.

Sec. 5. All sums credited to the regents under this act, except the credit to be given to the university interest fund, shall be deemed and taken to be a part of the one hundred thousand dollars internal improvement warrants, and state indebtedness authorized to be received in payment of university lands, by an act entitled "an act authorizing the receipt of the obligations of this state in payment of university lands," and said last mentioned act shall not be construed to authorize the receipt of internal improvement warrants in payment of any university lands hereafter forfeited for non-payment of principal or interest.

Sec. 6. The several amounts credited to the university interest fund in pursuance of this act, shall be balanced by a transfer of the like amounts from the sinking fund.

Sec. 7. This act shall take effect from its passage.

Approved March 11, 1844.

No. 84.

**AN ACT** to provide more effectually for the completion and disposition of fines, penalties and forfeitures of recognizances.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That when any fine or penalty shall be imposed by any court of record in this state, upon any grand or petit juror, or upon any constable or other officer of such court or upon any other person or persons, for any cause whatsoever, without being accompanied by an order for the immediate commitment of such person or persons, until such fine or penalty be paid, it shall be the duty of the clerk of such court to immediately deliver a copy of the order imposing such fine or penalty to the prosecuting attorney of the county in which such court shall be sitting at the time of imposing such fine or penalty. Duty of co. clerk.

Sec. 2. The prosecuting attorney shall, immediately after the adjournment of such court, issue process under his hand and seal, directed to the sheriff of the county in which the court was held, commanding him to collect of the several persons named in the schedule annexed to such process, the several sums affixed to their names respectively in such schedule, and to pay over the same immediately after the collection thereof, to the treasurer of the county in which the same is so collected. Duty of prosecuting attorney.

Sec. 3. To such process shall be annexed a schedule, containing in separate columns; 1st, the names of the persons upon whom such fines or penalties were imposed; 2nd, their respective places of residence; 3rd, the amount of the fine or penalty imposed on each; 4th the cause of such fine or penalty being imposed. Which schedule shall be certified by the prosecuting attorney issuing such process to contain a true abstract of the orders imposing such fine or penalty delivered to him by the clerk. Schedule annexed.

Sec. 4. The sheriff to whom such process shall be directed and delivered, shall proceed immediately to collect the amount of such fines or penalties respectively, of the several persons named in such schedule by a levy and sale of the personal property of such persons in the manner provided by law, in the service of executions against property in civil cases, and shall be entitled to collect the same fees; and Duty of sheriff.



in case sufficient personal property cannot be found to raise such amount such sheriff shall take the body of the person and him detain in custody until he shall pay such sum or other otherwise be discharged by due course of law. And such sheriff shall be entitled for his service in so doing to the like fees, as on execution against the body in civil cases.

Sec. 5. Every sheriff to whom any such process shall be directed and delivered, shall return the same together with his doings thereon to then next term of the circuit court held in and for the county in which such sheriff resides, and such return may be compelled by such circuit court, in the same manner as on process in civil cases.

Sec. 6. If it shall appear by the return of any sheriff on any such process, that any fine or penalty named in such schedule annexed thereto, has not been collected, the prosecuting attorney shall issue new process for the collection thereof, similar in all respects to the first therein directed; and such process may be issued from time to time until such fines or penalties shall be collected, and the same proceedings in all respects shall be had thereon as herein provided.

Sec. 7. All sheriffs, county clerks, or other officers or persons, who now have in their hands or may hereafter collect, or receive, any money, on fines or penalties imposed upon any person or persons, in any court of record in this state, or upon any recognizances in criminal proceedings, shall immediately pay over the same to the treasurer of the county where such fine or penalty was so imposed, which treasurer shall give his official receipt to such officer or person paying the same for the amount so paid.

Sec. 8. All justices of the peace, constables, marshals and other officers or persons, who have now in their hands, or may hereafter collect or receive any money on fines or penalties imposed upon any person or persons, by any justice of the peace, court of special sessions, or court martial in this state, shall immediately pay over the same, to the treasurer of the county where such fine or penalty was so imposed, which treasurer shall give his official receipt to such officer or person paying the same, for the amount so paid.

Sec. 9. All money collected, or received on fines or penalties, or upon any recognizances in criminal proceedings, and paid to any county treasurer of this state, as herein provided, shall by such coun-

ty treasurer, on or before the first day of March, in each and every year, be divided according to the number of organized townships in the county where such treasurer officially belongs, and an equal share thereof shall be paid over by such treasurer to the chairman of the board of school inspectors in each of such organized townships, who shall give his official receipt to the treasurer for the amount so paid. Fines to be divided.

Sec. 10. All money paid over to, and received by, the chairman of the board of school inspectors in any township in this state, shall be by such chairman appropriated to the purchase of such books and the necessary appendages for a township library, as a majority of the board of inspectors may direct; which library when established, shall be kept a township library, exclusively for the use of the inhabitants of the township, and shall be under such rules and regulations as the board of inspectors may from time to time deem necessary and proper to make for the protection and preservation of the books, and to secure such inhabitants in an equal and just use of the same. Appropriation.

Sec. 11. If any public officer, or other individual, having collected or received any money or funds of any kind whatsoever, on any fines or penalties contemplated by the provisions of this act, shall neglect or refuse to pay over such money or funds, so collected or received, on demand, to the proper county treasurer, such officer or individual so neglecting or refusing, shall forfeit and pay double the amount of such money or funds, which may be sued for and recovered, by action of debt in the name of the county treasurer, before any court having cognizance thereof, which amount, so forfeited, when collected shall be divided and paid over by such treasurer as hereinbefore mentioned. Penalty.

Sec. 12. Any officer who shall hereafter collect or receive any money or funds of any kind on fines, penalties or recognizances, and shall convert such money or funds so collected, to his own use, or shall refuse to pay over the same as hereinbefore provided, shall be deemed guilty of embezzlement, and on conviction thereof shall be punished by imprisonment in the state prison for a term not more than three years, or by fine not more than two thousand dollars. Penalty.

Sec. 13. If any county treasurer, having received any money or funds of any kind, or fines, penalties, or recognizances, pursuant to the provisions of this act, shall convert such money or funds so re-

Penalty.

ceived to his own use, or shall refuse to divide and pay over the same as herein-before provided, such county treasurer shall be deemed guilty of embezzlement, and on conviction thereof, shall be punished by imprisonment in the state prison not more than three years, or by fine not more than two thousand dollars, and shall also be liable in a civil suit for the amount of money or funds so converted or detained, which suit may be prosecuted by an action of debt in the name of the county in which such treasurer officially belongs, and before any court having cognizance thereof. The amount of such money or funds when so recovered shall be divided and paid over to the chairman of the several boards of school inspectors in the several townships by the officer collecting the same.

Duty of prosecuting attorney.

Sec. 14. It shall be the duty of the prosecuting attorneys in this state, to see that this act is carried into effect in their respective counties, and to bring and prosecute any suit which may be proper and necessary to accomplish the same.

Sec. 15. All acts or parts of acts heretofore passed, contravening or in any way contradicting any of the provisions of this act, be, and the same are hereby repealed.

Approved March 12, 1844.

### No 85.

## AN ACT to establish a board of County Auditors for Wayne county, and for other purposes.

Board of auditors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be a board of county auditors for the county of Wayne, composed of three persons, who shall be elected at the general election in November next, and shall severally hold their office for three years, except as provided in the following section: *Provided*, That not more than one auditor shall be elected in the same township, village or city in said county.

Sec. 2. The county auditors who shall be chosen at the first election after the passage of this act, shall meet at the office of the county clerk of said county of Wayne, on some day to be appointed by the clerk, of which notice shall be given to the auditors elect, not

being less than six, nor more than fifteen days after the county canvassers shall have determined the result of said election, and being so assembled, the clerk shall cause to be written on separate pieces of paper, as nearly alike as may be, the numbers "one," "two" and "three," one of such numbers being on each piece of paper, and shall cause them to be rolled up and deposited in a box, and the said auditors shall each draw from such box one of the said pieces of paper, and each of said auditors shall hold his office for one, two and three years respectively, according to the number so drawn by him. The county clerk shall be ex-officio clerk of said board of county auditors, and make a record of said drawing in his office, stating therein the term of service of each auditor.

Sec. 3. The county auditors shall meet at the office of the county clerk, on some day to be appointed by the clerk, not less than six nor more than fifteen days after the annual election in November of each year, and severally take and subscribe the oath of office required by the twelfth article of the constitution, and shall deposit the same with the county clerk. They shall organize by choosing one of their number chairman of the board, who shall preside at such meeting, and all meetings during the year, and in case of his absence at any meeting, the members present shall choose one of their number as temporary chairman.

Sec. 4. The county auditors when so qualified and the board organized as provided in section three, may enter immediately upon the duties of their office, with power to adjourn from time to time, or hold special meetings at such times and places, public notice being given, as a majority of them may deem proper, but their annual meetings shall be held at the clerk's office on the first Monday of October in each year.

Sec. 5. The said board of auditors shall be invested with the same powers and shall perform the same duties which were by part first, of title three, chapter three of the revised statutes, imposed upon the board of county commissioners, or by any subsequent act upon said commissioners, or upon the board of supervisors: *Provided*, That nothing herein contained shall be construed to take from the supervisors of the several townships of Wayne county, any of their powers and duties as township officers, or as a county board of supervi-

sors, to meet and equalize their assessments or apportioning the amount of state and county taxes to the several townships, and making out the tax lists, attaching their warrants to and delivering the same to the respective township treasurers.

State and  
county tax.

Sec. 6. The board of county auditors shall determine, and by their clerk report to the board of supervisors, on or before their meeting to apportion the amount of state and county tax to be raised in each and every year upon the taxable property of said county.

Appeals.

Sec. 7. All appeals taken from the determination of commissioners of highways in the several townships of Wayne county, shall be made to and decided by the said board of county auditors.

May appeal  
to circuit  
court.

Sec. 8. Any person conceiving himself aggrieved by the determination of the board of auditors, upon any demand presented by him against the county of Wayne, may appeal to the circuit court of said county, by serving a notice of such appeal upon the chairman of the board of auditors, within ten days after the action to be appealed from, and filing a good and sufficient bond with one or more sureties, to the satisfaction of the clerk, in the office of said clerk, for the payment of all costs which may be incurred in the prosecution of his appeal to said court.

No fees.

Sec. 9. No fees shall be charged against the appellant on the decision of appeals taken from the action of said county auditors for retainer or judgment: And in no case of appeal taken from the determination of the board of county auditors of Wayne county, or of the board of supervisors of any county of this state, shall any costs be taxable against the county.

Compensa-  
tion.

Sec. 10. The county auditors shall be entitled to receive one dollar and fifty cents per day for their services as a board of auditors, and six cents for every mile travelled from their respective place of residence, to the place of meeting, which shall be audited by the associate judge of the circuit court of Wayne county.

Duties.

Sec. 11. The said board of county auditors shall audit, and by their clerk give certificates of the amounts due to the several supervisors of Wayne county, for their services as a board of supervisors, in equalizing their assessments, making out tax rolls and extending the taxes, annexing their warrants, &c., at the same rates as were provided by law for compensation of supervisors.

Sec. 12. All parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

Approved March 11, 1844.

No. 86.

AN ACT to incorporate the Troy and Rochester Railroad Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan.* That Almon Mack, Seneca Newberry, Samuel Axford, John F. Hamlin, Hiram Smith, Edward W. Peck and Orange J. Niles be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Troy and Rochester railroad company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the times and places of taking such subscriptions.

Sec. 2. The capital stock of said company shall be one hundred thousand dollars in shares of fifty dollars each; and as soon as three hundred shares of said stock shall be subscribed, the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Troy and Rochester railroad company with perpetual succession; and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned and no further, and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights, and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

Sec. 3. Said company hereby created shall have power to construct a railroad with a double or single track from Rochester, in the county of Oakland, running southerly until it shall intersect the Detroit

## LAWS OF MICHIGAN.

and Pontiac railroad at some suitable or convenient point, and to connect with and use the said Detroit and Pontiac railroad or any part thereof according to the provisions of the twenty-fourth section of an act incorporating the said Detroit and Pontiac railroad and with power to take, transport, and carry property, and persons upon the said Detroit and Pontiac railroad or any part thereof, and upon the railroad herein authorized to be constructed by the power and force of steam, or of animals or of any combination of them.

To construct  
said road.

Sec. 4. If said corporation shall not within two years after the passage of this act, commence the construction of the said road and, shall not within four years from the passage of this act, construct, finish and put in operation the whole of said railroad, then the rights, privileges and powers of the said corporation shall be null and void as far as it regards such part of said road as shall not be finished within the periods limited by this act.

Shares.

Sec. 5. Whenever one hundred and fifty shares of the capital stock shall have been subscribed, if within two years from the passage of this act, the commissioners shall call a meeting of the subscribers at such time and place as they may appoint; by giving thirty days public notice of such meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders or a majority of them shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of the said company; and said directors are empowered to elect one of their number president, and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holders thereof to one vote, either by himself in person, or by proxy.

Directors  
chosen.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually on the first Monday in October at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them, the directors of said company shall hold their office until a new election of president and directors. All elections which are by this act, or by the by-laws of this company to be made on any particular day may

be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

Sec. 7. A general meeting of the stockholders of said company <sup>Meeting.</sup> shall be held annually at the time and place appointed for the election of president and directors ; and a meeting may be called at any time during the interval between the said annual meetings, by the president and directors, or by the stockholders, owning not less than one fourth of the whole stock by giving thirty days notice of the time and place of meeting ; and when any such meeting is called by the stockholders the particular object of such call shall be stated ; and if at any meeting thus called, a majority in value of the stockholders are not present in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business ; and if within said three days, stockholders having a majority of the stock do not attend such meeting then the said meeting shall be dissolved.

Sec. 8. At a regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office <sup>Duty of president and directors..</sup> for the preceding year to exhibit a clear and distinct statement of the affairs of the company ; and at any meeting of the stockholders, a majority of those present, or by proxy, may require similar statements from the president and directors whose duty it shall be to furnish them when thus required ; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company, may remove from office any president, or any of the directors of said company and elect others in their stead : *Provided*, Notice of such intended removal has been given as required by the seventh section.

Sec. 9. Every president and director of said company, before he acts as such, shall swear or affirm, that he will well and truly discharge the duties of his office, to the best of his skill and judgment.

Sec. 10. The said president and directors, or a majority of them <sup>Power, &c.</sup> shall have power to appoint, contract with, and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure ; and the said president and directors, or a majority of them, shall have power to determine the manner of adjusting and settling accounts against the company ; also, the manner and evidence of the transfers of the stock in the said



company ; and they shall have power to pass all the by-laws which they may deem necessary for carrying into execution all the power vested in the company hereby incorporated : *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States, nor of this state.

**Power of President & directors.**  
 Sec. 11. The president and directors of said company shall be, and they are hereby invested with all the privileges, rights and powers necessary for the location, construction and keeping in repair said railroad, not exceeding one hundred feet in width ; and the said president and directors, or their agents, or those with whom they may contract, for making said road, or any part of it, may enter upon, use, and excavate any land which may be wanted for the site of said railroad, or any other purpose which is necessary in the construction or repair of said road or its works, so soon as the amount of compensation therefor is ascertained and tendered as hereinafter provided.

**Power to convey lands, &c.**  
 Sec. 12. The president and directors of said company may agree with the owner or owners of any land, for earth, timber, gravel, stone or any articles whatsoever, which may be wanted in the construction or repair of said railroad or any of its works, for the purchase or occupation of the same ; and if such materials, (not previously taken or appropriated by the proprietor thereof to any particular use,) as may be necessary for the construction and repair of said railroad, or any of its works, be found on any unimproved land adjoining or near the same, and if the parties cannot agree, or if the owner or owners of any of them be a feme covert, under age, non compos mentis, or out of the county, in which the property wanted may be, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff of said county ; or if the sheriff be interested, to some disinterested person, requiring him to summon twelve free holders in the county, not in any way interested in the matter, or related to the parties, to meet on or near the property or materials to be valued, on a day named in said warrant, not less than five nor more than ten days after issuing the same ; and if, at the same time and place, any of the persons summoned, do not attend, the said sheriff or summoner shall immediately summon as many as may be necessary with the persons in attendance as jurors, to furnish a pannel of twelve jurors ; and from them, each party, his

her, or their agent or attorney, or, if either be not present in person or by agent, the sheriff or summoner for him, her, or them, may strike off three jurors, and the remainder shall act as a jury of inquest of damages; and before they act as such, the sheriff or summoner shall administer to each of them an oath or affirmation, that <sup>Oath.</sup> they will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the land, materials or property required by said company; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall be sent to the clerk of the county, and by him filed in his office, and shall be confirmed by the circuit court of said county at its next session, if no sufficient cause to the contrary be shown; and when confirmed, the same shall be recorded by the said clerk at the expense of said company; but if set aside, said court may direct another inquisition to be taken in the manner above specified. Said inquisition shall describe the property taken on the bounds of land required by said company. Such valuation when paid or tendered to the owner <sup>Valuation.</sup> or owners of said property, his, her, or their legal representatives, shall entitle said company to the estate and interest in the same, thus valued, as fully as if it had been conveyed by the owner or owners of the same, for such term of time as said company shall occupy the same as a railroad. And if the valuation be not received when tendered, it may at any time thereafter be received from the company without cost; and the sheriff or summoner, and jurors shall be allowed the ordinary fees for like services to be taxed by the court: *Provided,* <sup>Fees.</sup> That the said company shall not have power to take the land of any person for the purposes of said corporation, until full payment shall have been made or tendered to such person, for all damages assessed to him together with the costs of said inquisition or assessment.

Sec. 13. Whenever in the construction of said road it shall be necessary to cross or intersect any established road, it shall be the duty <sup>Construct road.</sup> of said president and directors, so to construct the said railroad across such established road as not to impede the passage or transportation of persons along the same; or when it shall be necessary to construct it through the land of any individual, it shall be their duty to provide for such individual proper wagon ways across said road from one part of his land to another.

**Damages.** Sec. 14. If said company shall neglect to provide proper wagon ways across said road as required by this act, it shall be lawful for any individual to sue said company, and he shall be entitled to such damages as a court or jury may think him or her entitled to for such neglect or refusal on the part of said company.

**Contracts.** Sec. 15. If it shall be necessary for said railroad company in the selection of the route or construction of said road to be by them laid out and constructed, or any part of it, to connect the same with any turnpike road or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for said president and directors to contract with any other corporation for the right to use such road or bridge, or for the transfer of any of the corporate or other rights and privileges of such corporation to the said company hereby incorporated; and every such other corporation, acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the person authorized by the respective acts of incorporation to exercise their corporate powers, or by any persons who are by any law of this state, entrusted with the management and direction of such turnpike road or bridge, or any of the rights and privileges aforesaid. Every contract or transfer made in pursuance of the power and authority herein granted, when executed by the several parties, under their respective corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the right to use and enjoy the same as fully as they are now used and enjoyed by the said corporation in which they are now vested.

**Power to purchase materials.** Sec. 16. The said president and directors shall have power to purchase, with the funds of the company, and place on any railroad constructed by them under this act, all machines, wagons, carriages, or vehicles of any description, which they may deem necessary or proper for the purpose of transportation on said railroad, and they shall have power to charge for tolls and transportation such reasonable sums as shall be established by the by-laws of the company hereby incorporated; and it shall not be lawful for any company, or any other person or persons, to transport any passengers, merchandise or property of any description whatever on said road, or any part of it, without the license and permission of said president and direc-

tors of said company ; and the said road with all its improvements, works and profits, all machinery used on said road for transportation are hereby vested in said company incorporated by this act, and their successors forever ; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable agreeably to the by-laws of said company, and subject to be taken on execution agreeably to such laws as are or may hereafter be in force. The right and privilege is hereby reserved to this state or any company hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for, any other railroad leading from the main route to any part or parts of this state : *Provided*, That in forming such connection no injury shall be done to the works of the company hereby incorporated ; and the said company or companies so connecting, may have the free use of said road by paying the ordinary tariff of tolls established for said road ; and this incorporation shall be entitled to the same rights and privileges to any and all roads hereafter connected. The property of the stockholders of said company shall be liable for the payment of all its debts, whenever sufficient property shall not be offered by the directors to satisfy any execution issued against said company. Shares.

Sec. 17. The president and directors shall annually, or semi-annually, declare and make such dividend as they may think proper, of the nett profits from the resources of said company deducting the necessary current expenses ; and they shall make such dividend among the stockholders of said company in proportion to their respective shares. To divide  
net pro-  
ceeds.

Sec. 18. If any person or persons shall willfully, knowingly and maliciously remove a stake, alter, deface or injure, in any manner, any bench, stake or fixture set by an engineer, superintendent or other person in the employ of said company ; or by any means injure, impair or destroy any part of the said road constructed by the said company under this act, or any of the necessary works, buildings or machinery of said company, such person or persons so offending shall each of them for every such offence, forfeit and pay to the said company a sum not exceeding five times the amount of damages caused by such offence, which may be recovered, in the name of the company, by an action of debt, in any court having competent jurisdiction in the county wherein the offence shall be committed. Damages.

Sec. 19. This act is hereby declared to be a public act, and copies thereof printed by the authorities of the state, shall be received as evidence thereof.

Carry mail. Sec. 20. Said company shall, at all times if required by the post office department, transport the United States mail upon said road, as often as their cars shall pass the same, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department, not exceeding the average price paid by said department for the transportation of the mail in post coaches, three times per week a like distance, upon the several post roads in this state: *Provided*, Nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

Sec. 21. The legislature may at any time alter or amend this act.

Approved March 12, 1844.

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### No. 87.

## AN ACT to incorporate the Peninsular Mutual Fire and Marine Insurance Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be established in the city of Detroit, an insurance company to be called the Peninsular mutual fire and marine insurance company.

Corporate and politic. Sec. 2. That all such persons as shall hereafter be stockholders in said company, shall be a body politic and corporate in fact and in name, capable of suing and being sued, pleading and being impleaded, contracting and being contracted with by that name.

Power &c. Sec. 3. The corporation hereby created shall have power and authority to make insurance upon dwelling houses, mills, stores, ware houses and other buildings and upon their contents, against loss or damage by fire, upon ships, steamboats and other vessels, and upon their cargoes against fire and marine risks, upon merchandise, specie bullion, bank bills, household furniture, and all other property whatsoever.

Sec. 4. The capital stock of said company shall be one hundred

thousand dollars to be divided into one thousand shares of one hundred dollars each.

Sec. 5. The stock, property and affairs of said company shall be managed and conducted by fifteen directors, each of whom shall be a stockholder, a citizen of the United States, and resident of this state; they shall elect from their number a president annually, and in their discretion a vice president, they shall hold their offices until others are elected in their stead, nine of whom including the president or vice president shall constitute a quorum for the transaction of business. And at any regular meeting of any board of directors of said company, it shall be competent for any director, not residing within the city of Detroit, to vote upon any question which may arise at such meeting by proxy or attorney duly constituted; and said proxy or attorney shall be a director for the time being. <sup>Election, &c.</sup>

Sec. 6. That subscription books shall be opened, on or before the first Monday in July next, by, and under the superintendence of Benjamin B. Kercheval, Elon Farnsworth, Douglass Houghton, Lansing B. Mizner and Wesley Truesdail, as commissioners, at such time and place as they shall designate, giving due notice thereof in at least two of the newspapers published in this state, for receiving subscriptions to the stock in said company, or applications for insurance in the same. The said books shall continue open, daily, for three weeks, unless the amount of the capital stock shall be sooner subscribed. <sup>Subscription books opened.</sup>

Sec. 7. That, at the expiration of the said three weeks, the said commissioners, or a majority of them, shall, after they have received applications for stock and insurance in said company, the payments for which, in cash, shall amount to five thousand dollars or upwards, call a meeting of the said stockholders for the election of the aforesaid directors. They shall give thirty days' notice, in two newspapers published in this state, of the said election. <sup>To call meeting.</sup>

Sec. 8. That the directors so elected, or any seven of them, including the president or vice president, shall immediately thereafter, proceed to organize the said company and to transact the business of the same. They shall, at their first meeting for the organization of said company, divide themselves, by lot, into three classes of five each; the term of the first class shall expire at the end of one year;

the term of the second class shall expire at the end of two years; the term of the third class shall expire at the end of three years, and their successors shall hold their offices respectively for three years.

**Vacancies.** The vacancies which may be occasioned by death or other causes, shall be filled by the remaining directors, a plurality of votes constituting a choice, and this section shall not be so construed as to render a director, whose term shall have expired, ineligible as a new director.

**Notice given.** Sec. 9. That thirty days notice shall be given of each annual election of directors, and of three inspectors to hold the next election, by advertisement published in some paper in the city of Detroit; and if it shall so happen that any election is not held on the day prescribed or designated, the corporation shall not be dissolved, but such election may be held on any subsequent day, thirty days notice being previously given, as before provided, of the time and place of such election.

**Power of president & directors.** Sec. 10. That the president and directors of said company shall have power and authority in the name and behalf of said company to grant policies of insurance for such term or terms of time and for such premium or consideration, and under such modifications or restrictions as may be agreed upon between the said company and the applicants for such insurance; the policies so granted shall be signed by the president or vice president and countersigned by the secretary, and bear the seal of said company impressed thereon; and all such premiums or considerations shall be paid in cash.

**Have a seal.** Sec. 11. That the president and directors of said company may adopt a common seal and the same change or alter at pleasure, and may enact such rules and by-laws for the government of their business as they may from time to time deem advisable: *Provided*, That such by-laws are not in violation of or contrary to the provisions of this act.

Sec. 12. That any individual or company paying to said company either for insurance or in advance for insurance, the sum of twenty-five dollars, shall be entitled to a certificate for one share of permanent stock, and in that proportion of a greater or less sum, until the amount of shares so taken shall amount to two hundred; after which number of shares shall have been taken, the payment as aforesaid of fifty dollars shall be required to entitle any person to a certificate for

one share of permanent stock and in that proportion, until the further number of one hundred shares shall have been taken; after which the payment as aforesaid of one hundred dollars shall be required for each share of permanent stock.

Sec. 13. That each certificate of permanent stock shall express <sup>Certificates.</sup> the date of issue and amount paid to the company for each share therein, and shall be transferable only on the books of said company, and not until all debts, dues and demands of said company against the stockholder in whose name such stock shall stand, are fully paid.

Sec. 14. That all persons or companies, who shall pay cash in advance for insurance, shall be entitled to a credit on the books of the <sup>Cash in advance.</sup> company for the amount paid, which shall be applicable to the payment of premiums on any policy thereafter to be issued to such stockholder, or to such other person or persons as he may direct: *Provided*, Such stockholder shall apply for such policy or policies before the expiration of three years from the date of such credit.

Sec. 15. That all persons or companies who shall pay any premiums to said company, shall be entitled to a receipt for the amount so paid, which shall be received by said company in payment for stock.

Sec. 16. That at all elections held by said company, each share <sup>Elections.</sup> of permanent stock shall entitle the holder thereof to one vote: *Provided*, That no one stockholder shall by proxy or otherwise give more than fifty votes: *And provided further*, That after the first election for directors, no stockholder shall be entitled to vote unless the stock represented by him, shall have been standing in his name in the books of said company, at least sixty days.

Sec. 17. That it shall be the duty of the directors of said company, annually in the month of January, to report to the legislature of this state showing the amount of permanent stock paid in; the amount of premiums received, and on what risk; the amount of losses within the preceding year, and on what risk; the amount of expenses the preceding year; the amount of capital, and how invested; the amount of premium receipts outstanding; and the amount of cash on hand, and where deposited; a copy of which report shall be delivered to each stockholder on request, and shall be published for two weeks in a daily paper printed in Detroit. <sup>Duty of the directors.</sup>



Sec. 18. That the directors may invest the capital stock or accumulated profits of said stocks in stocks of the United States, or any of the several states.

Policies issued.

Sec. 19. That no policy of fire or marine insurance shall be issued by said company for a period longer than two years; and no stockholder or person insured in said company shall be incapacitated thereby to prosecute said company at law or in equity, or to be prosecuted by said company; and any stockholder in said company may be a witness for or against it, in any cause to which he is not individually a party, or in which he has not an interest other than that created in virtue of his being a stockholder therein.

Purchase estate.

Sec. 20. That said company may purchase and hold real estate for an office and dwelling house not exceeding in value ten thousand dollars: *Provided*, That in case it shall be necessary in securing debts due said company, to purchase real estate at execution or on mortgage sale, or on compromise or commutation of such debts, it shall not be deemed a violation of this section.

Give notice.

Sec. 21. That whenever the amount of permanent stock and premium shall amount to one hundred thousand dollars, the company shall give notice by publication at least one month in a newspaper printed in the city of Detroit, calling upon the holders of premium receipts to return them to the office of the company and receive therefor certificates of permanent stock; and all premium receipts not presented or returned to the company, for the purpose before mentioned, within two years from the date of said notice, shall be forfeited and forever excluded from any participation in the stock or funds of said company.

Directors to distribute stock.

Sec. 22. That when the directors shall ascertain the amount of premium receipts that have been forfeited, and the amount of permanent stock to be issued to complete the whole number of one thousand shares, they shall distribute such deficiency of permanent stock among the existing stockholders, in proportion to their respective amounts of stock at the time of said distribution, or may permit new subscribers to the amount of such forfeiture.

Sec. 23. That the directors shall have power to appoint as many agents, appraisers, surveyors and clerks with such salaries and emoluments as they shall deem proper and necessary, for the business of the company.

## LAWS OF MICHIGAN.

**Sec. 24.** The company shall exist for the term of twenty years; unless the legislature shall sooner repeal the charter, or unless dissolved by a vote of three-fourths of the stockholders, or its chartered privileges shall be declared forfeited by the final decision of a court of law or equity; and if said dissolution shall take place before such company shall have issued one hundred thousand dollars of permanent stock and premium receipts, then the capital stock thereof, after paying expenses and extinguishing outstanding policies, shall be divided among the holders of permanent stock and premium receipts, according to their respective amounts: *Provided*, That six months notice be given in a daily newspaper published at Detroit, that said distribution is about to be made, requiring the holders of premium receipts to produce the same at the office of said company; and all such receipts not presented on or before the expiration of one year from and after the first publication of said notice shall be barred and excluded from such distribution; but if said distribution shall take place after the issue of one hundred thousand dollars of permanent stock, then the distribution shall be upon the shares of permanent stock alone, share and share alike.

How long  
said company  
shall exist.

**Sec. 25.** That no dividend or distribution of the profits of the company shall be made until the whole amount of capital stock, one hundred thousand dollars, shall have been received and is possessed by said company; and if it shall at any time occur, during the existence of this act, that the capital stock of said company shall be reduced by losses below one hundred thousand dollars, no dividend shall be declared or paid thereafter, until the deficiency in the capital stock be restored and a surplus accumulated, which may be divided; and all dividends shall be on the permanent stock share and share alike.

Relative to  
distribution.

**Sec. 26.** Nothing in this act contained nor in any of its provisions shall be construed to authorize the corporation hereby created to exercise banking powers or privileges, to discount bills or notes, to deal in exchange, or to issue notes, bills, certificates or paper of any other description whatever as a circulating medium. And every violation of this section shall, ipso facto, work a forfeiture of the charter, and subject the directors and officers offending in the premises to such penalties as the legislature may from time to time enact.

Construction.

**Sec. 27.** That no person shall vote at any election of this company

as proxy for another, unless he shall himself be a stockholder in said company.

**Committees.** Sec. 28. That all committees appointed by the legislature, the Governor and Attorney General, or either of them, may at any time examine into the affairs of this company, and have free access to its books, papers and vaults for that purpose.

Approved March 12, 1844.

### No. 88.

#### AN ACT to define the duties of the Auditor General in relation to rejected taxes and for other purposes.

**Duties of Auditor General.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the Auditor General is authorized and required, in all cases where taxes upon lands returned delinquent to his office, shall for any cause be rejected, or having been credited shall be charged back on the books of his office, to charge the same over to the county from which such taxes were so returned, unless the lands on which the same were assessed shall have been set off to some other county, or attached to some other county for judicial purposes, and in case such lands shall have been so attached, they shall be charged to the county to which they belonged at the time of such rejection.

**Duty of Board of supervisors.** Sec. 2. It shall be the duty of the board of supervisors to furnish to the Auditor General a list of all taxes which have been rejected or charged back to their county by him on the lands which have been detached from such county subsequent to the time when such taxes were assessed, and the Auditor General shall thereupon credit to such county the amount which he may have so charged back, and charge the same to the county in which such lands may be situated, provided said taxes have not been paid or re-assessed as provided by law.

**Aud. to forward description of lands.** Sec. 3. That the Auditor General shall, immediately after ascertaining the amount of taxes, interest and charges due upon any lands, which have been or may hereafter be rejected or charged back as hereinbefore provided, forward to the treasurer of the county to which such lands may be so attached for purposes of taxation, a description

of the same together with a statement of the amount of taxes, interest and charges thereon, also for what year or years such taxes were originally assessed.

Sec. 4. It shall be the duty of the county treasurer receiving such description and statement, to lay the same before the board of supervisors at their next session. And it shall be the duty of such board of supervisors to provide for, and re-assess the amount of taxes so rejected or charged back together with the amount of interest and charges upon the same lands, or as a general tax upon the township in which such lands are situated, in the manner provided in section one of an act entitled an act to regulate tax sales for the year 1843, and for other purposes, approved March 6, 1843.

Sec. 5. All lands returned to the Auditor General upon which the taxes remain unpaid, and not rejected or charged back, shall, under his direction, be advertised and sold in the same county from which they were returned or in which they were situated at the time such taxes were assessed.

Sec. 6. All acts or parts of acts contravening or in any way conflicting with the provisions of this act, be and the same are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 12, 1844.

### No. 89.

#### AN ACT to authorize Anne Duval, a minor, to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Anne Duval, a minor, (daughter of Stephen Duval,) be, and she is hereby authorized and empowered, under the supervision and approval of the judge of probate for the county of Monroe, to release and convey by deed under hand and seal, the following described lot of land, viz : known as lot numbered seventy-five, east of Monroe street in the city of Monroe, Michigan ; bounded east by Macomb street, south by Fourth street, west by an alley, and north by lot number seventy-four, to David A. No-

ble of said county of Monroe: And such conveyance shall be as good and effectual in law to all intents and purposes whatever, as if said Anne Duval were at the time of such conveyance of the full age of twenty-one years.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1844.

### No. 90.

AN ACT making appropriations to defray certain expenses authorized for the year eighteen hundred and forty-four.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be, and the same are hereby appropriated out of the general fund: To G. F. Rood & Co., for stationery furnished the Secretary of State, for the year 1843, twenty-eight dollars and seventy-five cents. To William Clay, for balance of damage sustained in the loss of a cow killed on the Central railroad, in 1833, twenty dollars. To F. Farrand, for clerk's fees, in the case of Wm. A. Cross, vs. the state of Michigan, tried October, 1841, twelve dollars and forty-six cents. To F. Farrand, for clerk's fees, in the case of the state of Michigan, vs. W. and Jerry Ford, eleven dollars and seventy-eight cents. To A. S. Williams, for advertising proposals for printing in 1843, two dollars.

To Daniel Thompson and Son, for services as sheriff and deputy sheriff, and expenses in transporting prisoners from Detroit to Jackson, in 1843, eighty-eight dollars. To John Monroe, for money advanced to Messenger to defray the expense of procuring from the city of New York blank State Scrip, ninety-two dollars and sixty cents. To Chandler & Co., for carpeting furnished supreme court room, seventy-seven dollars and seventy-one cents. To Francis R. Stebbins, for table and case for the register's office of the fifth chancery circuit, twenty-six dollars. To G. F. Rood & Co., for stationery procured by E. J. Roberts, in 1843, for House of Representatives, twelve dollars and fifty cents. To G. F. Rood & Co., for stationery furnished House of Representatives, March 8, 1843, forty-three dollars and

## LAWS OF MICHIGAN.

thirteen cents. To G. F. Rood & Co., for stationery furnished the office of Attorney General, A. D. 1843, eighteen dollars. To G. F. Rood & Co., for stationery furnished the office of Auditor General, thirty dollars and seventy-seven cents. To G. F. Rood & Co., for stationery furnished the office of Adjutant General, in 1843, eighty dollars and six cents. To G. F. Rood & Co., for stationery furnished third circuit chancery court, in 1843, twenty-nine dollars and nineteen cents. To G. F. Rood & Co., for stationery furnished fourth circuit supreme court, in 1843, twelve dollars and thirteen cents. To G. F. Rood & Co., for stationery furnished fourth circuit of chancery court, in 1843, fourteen dollars and sixty-three cents. To G. F. Rood & Co., for books and stationery furnished the supreme court and court of chancery for thesecond circuit, 1843, thirty-two dollars and seventy-five cents. To Z. Vollum, for books furnished the Auditor General's office, in May, 1843, thirty-six dollars. To G. W. Raney, for advertising attachment in case of state vs. the Fords, five dollars. To Nowland, Norton, Doyle and Lally, for labor in removing stove at the capital, fifty cents each. To James Fisher, making platform and table for judges desk, partition, door and sundries, eight dollars and thirteen cents. To E. A. Mather, for one pair pitchers and half dozen tumblers furnished supreme court, two dollars and twenty-five cents. To John G. Norton, for twelve fancy and twelve windsor chairs furnished the supreme court, seventeen dollars. To Alexander H. Newbould, for one dozen candlesticks and one pair of shovel and tongs, furnished the supreme court, seven dollars. To Daniel Thompson, for wood furnished and sundry articles purchased for supreme court, twenty-one dollars and sixty-nine cents. To Charles V. Selkrig, for services rendered in fitting up supreme court room, and cash paid for making carpet, ten dollars. To B. Wright, for boards used in fitting up supreme court room, nine dollars and sixty-seven cents. To Benham Wright, for candles and nails furnished supreme court, five dollars and eighty-eight cents. To Abbott & Beecher, for articles furnished by order of the supreme court, nine dollars and six cents. To M. F. Dickinson, for sundries furnished supreme court, twenty dollars and seventy-four cents. To W. R. Noyes, for articles used in fitting up supreme court room, ninety-three cents. To Sheldon McKnight, for printing six reams foolscap circu-

- lar of "an act to amend the several acts incorporating the militia," approved April 13, 1841, forty-one dollars. To Nicholas Snyder, for sawing thirteen and a half cords of wood, in 1844, five dollars and ninety-four cents. To Nicholas Snyder, for sawing and splitting in December, 1843, eleven cords of wood twice in two, and twenty-six and a quarter cords once in two, seven dollars and seven cents.
- J McReynolds.** To John McReynolds, for thirty and three fourths cords of wood delivered and piled in yard, fifty-five dollars and sixty-nine cents. To **McFarren.** A. McFarren, for stationery furnished the office of Auditor General, thirty-seven dollars and sixty-eight cents. To **J I Butler.** James I. Butler, for seal press furnished clerk of the supreme court in 1842, twenty dollars. To **A. W. Hovey.** A. W. Hovey, for Observer sent to E. T. Chester sixty days, one dollar. To **H. N. Strong.** H. N. Strong, for four days' attendance as witness before the Senate committee on finance, in April, 1841, eight dollars. To **J. Saunders.** J. Saunders, for damaging stove and losing its furniture on Central railroad, in November, 1841, eight dollars and twenty-six cents. To **Thomas D. Gilbert.** Thomas D. Gilbert, for amount of judgment recovered against him in circuit court in Ottawa county, for selling goods taken in execution without appraisal, and contrary to the provisions of an act approved 27th of March, 1841, two days only previous to the said sale, ninety-four dollars and nineteen cents. To **Charles G. Green.** Charles G. Green, proprietor of the Boston Post, four dollars and seventeen cents. To **Z. Vollum.** Z. Vollum, one hundred and fifty-five dollars and sixteen cents, for pressing sheets of session laws, journals of Senate and House of Representatives, Senate and House documents, joint documents and school laws. To **Ezra Williams.** Ezra Williams, Quarter Master General, for services rendered in the discharge of the duties required of him by law, during the years 1842 and 1843, two hundred dollars. To **Abel Godard.** Abel Godard, for seven days attendance as a witness before the Senate committee on banks, in 1840, and travelling fees, eleven dollars and twenty-five cents. To **R. D. Power.** R. D. Power, for service and expenses in going to the western part of this state in March, 1835, to arrest Hannah Gallup, fifty-eight dollars. To **Abel F Fitch.** Abel F Fitch, for seven sheep killed by the locomotive on the Central railroad in 1842, twelve dollars and twenty five cents. To **John Gibson.** John Gibson, for services as crier of the courts in Wayne county, from 1840 to 1844, forty-five dollars. To **L. Fasquelle.** L. Fasquelle, for translating the Governor's inau-

gural and message into the French language and correcting proof sheets, (1844,) fifty dollars. To Edward D. Ellis, for advertising notice for receiving proposals for state printing and binding in 1843, one dollar and fifty cents. To J. W. Tillman, for repairing, upholstering and covering arm chair, three dollars. To R. P. Eldredge, for cash paid A. S. Kellogg for stationery, nine dollars. To John Bremen, for cleaning stove pipe and work done in the House, tenth February, four dollars. To E. J. Roberts, for making customary preparations for opening the House of Representatives in 1844, and services as clerk *pro tempore*, ten dollars. To John Webster, for trimming fire-board and putting up pipe in November, 1843, one dollar. To Henry E. Perry, for twenty-seven and one-eighth cords of wood, fifty-four dollars and twenty-five cents. To C. Morse for stationery furnished the House of Representatives from January first to eighth March, 1844, twenty-three dollars and fifty-five cents. To Henry E. Perry, for twenty-nine and a half cords of wood furnished during the winter of 1844, fifty-seven dollars and twenty-five cents. To Alexander H. Newbould, for stationery furnished the House of Representatives in 1844, eighty-seven dollars and fifty cents. To A. McFarren, for stationery furnished the office of the Auditor General in February and March, 1844, seven dollars and fifty cents. To George Combs, for expenses incurred in fitting up book room, &c. &c., five dollars and ninety-six cents. To Patrick Cary, for repairs of locks, tables and carpet, and for other extra services, fifteen dollars. To Henry E. Perry, five dollars and fifty cents, for repairs, and locks to tables. To Thomas Hall, for repairing stoves and gate of capital, one dollar and thirteen cents. To A. McFarren, for stationery furnished House of Representatives during the present session, eighty-two dollars and forty-one cents. To John Owen & Co., for stationery furnished House of Representatives (present session,) nineteen dollars and forty-two cents. To Thomas Rowland, Post Master, for postage on letters, packages, and papers, received at the Detroit post office for members of House of Representatives, from the first of January to the first of March instant, two hundred and two dollars and fifty-four cents. To Thomas Rowland, for postage for members of Senate during the same period, one hundred and three dollars and forty-six cents. To A. S. Bagg, for stationery furnished

E D Ellis.

J W Tillman.

R P Eldredge.

J Bremen.

E J Roberts.

J Webster.

H E Perry.

C Morse.

H E Perry.

A H Newbould.

McFarren.

G Combs.

P Cary.

H E Perry.

T Hall.

McFarren.

J Owen.

T Rowland.

A S Bagg.



House of Representatives, (the present session,) eighty-nine dollars and fifty eight cents. To G. F. Rood & Co., for stationery furnished House of Representatives. (the present session,) seventy-one dollars and twelve cents. To Bagg & Harmon, for printing divisions, circulars, certificates, &c., from January first, 1844, to March first, 1844, forty-nine dollars. To Bagg & Harmon, for fifty-eight daily papers, two and a half months, at sixty-six cents per month, ninety-five dollars and twenty-eight cents. To A. S. Williams, for fifty-nine daily papers, two and a half months, at eight dollars per year, ninety-eight dollars and thirty-three cents. To George Coombs, for taking care of capitol during the past year, two hundred and fifty dollars. To Louis Cavalli, for translating into the German language the Governor's inaugural and message for 1844, fifty dollars. To G. F. Rood & Co., for stationery and articles furnished Senate as per certified bill, three hundred and seventy-two dollars and eighty-four cents. To John Webster, for stove pipe, and fitting up the same in the Adjutant General's office, one dollar and ninety-one cents. To Henry Gilbert, for advertising change of times of holding certain courts, three dollars. To G. F. Rood & Co., for stationery furnished the Secretary of the Senate in 1843, as per certificate and bill, eleven dollars and thirteen cents. To D. B. Cook, for printing and blanks for treasurers of Berrien and Cass counties, per order of Auditor General, thirty-seven dollars and fifty cents. To G. W. Rogers, for stationery and articles furnished court of chancery from November 10th to December 5th, 1841, as certified by F. A. Williams, four dollars and sixteen cents. To Austin M. Gould, for paper case and sealing press furnished court of chancery, second circuit as per affidavit of said Gould, sixty dollars. To A. S. Bagg & Co., for stationery furnished the State Treasurer's office, from March seventh, 1843, to January 23rd, 1844, as per certificate of the Treasurer, thirty dollars and seventy-seven cents. To A. S. Bagg, for stationery furnished the court of chancery from May 27th, 1843 to February 12th, 1844, as per certificate of the chancellor, twelve dollars and one cent. To A. S. Bagg, for stationery furnished the Auditor General's office, from March 5th, 1843, to February 9th, 1844, as per certificate of the Auditor General, three hundred and twelve dollars and seventeen cents. To A. S. Bagg, for stationery furnished the office of Secre-

ry of State from March 8th, 1843, to February 6th, 1844, as per certificate of the Secretary of State, ninety-one dollars and seventy-four cents. To A. S. Bagg, for stationery furnished the supreme court as per certificate of clerk of first circuit, twenty-four dollars and sixty-five cents. To A. S. Bagg, for stationery furnished the court of chancery, first circuit, from March 15th, 1843, to November 14th, 1843, as per certificate of the Register of first circuit, thirty-eight dollars and twenty-seven cents. To Bagg & Harmon, for publishing chancery reports as per certificate of the reporter, thirty-three dollars. To Bagg & Harmon, for printing laws, notices, and proclamation, as per certificate of the Secretary of State, three hundred and fifty-seven dollars and seventy cents. To Bagg & Harmon, for blanks, paper and printing for the Auditor General's office, from February, 1843 to January 16, 1844, as per certificate of the Auditor General, nine hundred and forty-nine dollars and forty-four cents.—To Bagg & Harmon, for blanks, paper and printing for the Adjutant General's office, from May 17th, to December 20th, 1843, as per certificate of the Adjutant General, sixty-three dollars and forty cents. To Bagg & Harmon, for printing, &c., as per certificate of the State Treasurer, forty-eight dollars and twenty cents. To Bagg & Harmon, for printing for supreme court, as per certificate of the chief justice, twenty-five dollars. To Bagg & Harmon, for printing for the Superintendent of Public Instruction, as per certificate of the said Superintendent, one hundred and seven dollars and thirteen cents.—To Bagg & Harmon, for printing for the legislature in 1843, fourteen dollars and fifty cents. To Hunt & Watson, for services as prosecuting attorney's in Shiawassee county, on certificate of C. W. Whipple, fifty dollars. To the treasurer of the fire department for the city of Detroit, fifty dollars. To D. D. T. Moore, for twenty-two copies of the Michigan Farmer, for the present legislature, five dollars. To G. F. Rood & Co., for cleaning stoves, windows, for locks and for repairing chairs, tables and desks, and fitting stove pipe, eight dollars and twenty-five cents. To A. S. Williams, for twenty-two copies Daily Advertiser, thirty dollars and sixty-seven cents. To Bagg & Harmon, for printing for Senate, as per certificate of the Secretary thereof, seventy-seven dollars and fifty cents. To Bagg & Harmon, for legislative manual, fifty-seven dollars and seventy-

A S Bagg. eight cents. To A. S. Bagg, for stationery, as per certificate, twenty-eight dollars and two cents. To James Nichols, for splitting wood, and other extra services as fireman during the present session, ten dollars. To each of the messengers of the Senate and House, eighteen dollars for extra services.

Approved March 12, 1844.

### No. 91.

#### AN ACT to incorporate the Detroit and Grand River Plank Road Company.

Cour's.

Incorporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That C. P. Bush, Eli Barnard, of Livingston county, and Levi Cook, John Blindbury and David Thompson of Wayne county, be, and they are hereby appointed commissioners under the direction of whom, or a majority of whom subscriptions may be received to the capital stock of the Detroit and Grand River plank road company hereby incorporated; and they shall cause books to be opened at the village of Howell, in the county of Livingston, and at the office of the city clerk in the city of Detroit, county of Wayne, for three successive days, at such time as a majority of them shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first giving thirty days notice of the time and place of taking such subscriptions, by publishing said notice in two papers printed in Detroit and one in Howell, Livingston county; and the said subscribers shall pay three dollars on each share subscribed at the time of subscribing therefor and they and their successors and assigns, for the period of twenty years after the passage of this act, be and the same are hereby constituted and declared to be a body politic and corporate under the name of the Detroit and Grand River plank road company, and by that name they and their successors, for the period aforesaid, shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and that they and their successors by the name aforesaid, shall*

in law be capable of purchasing and holding any lands, tenements, hereditaments and real estate whatsoever : *Provided*, That it shall be necessary for the construction, preservation and repair of said road, for the erection of toll gates and toll houses thereon.

Sec. 2. The capital stock of said company shall be fifty thousand dollars, to consist of and be divided into one thousand shares of fifty dollars each; and it shall be lawful for the said company, whenever its whole capital stock shall have been subscribed and one thousand dollars paid in, to commence its business, and with that capital to conduct and carry on the same until the said company shall deem it expedient to call in its remaining capital; and the commissioners shall make such distribution of the stock as they may deem for the best interests of the company. Capital stock.

Sec. 3. For conducting the business of said company, which shall be the improvement of the present Grand River turnpike from the northerly line of the Cass farm in the city of Detroit, to the point where the base line intersects the said road; there shall be three directors, to be chosen by the stockholders, one of whom they shall annually elect their president, who shall hold their offices for one year or until others shall be elected in their stead. The election of the first directors shall be held within thirty days after the stock shall have been subscribed, at the city clerk's office in Detroit, and all subsequent elections shall be held at such time and place as the directors shall determine, thirty days notice thereof being first given, by publication in one newspaper in the city of Detroit and in the village of Howell, in Livingston county; at which meeting each stockholder may vote in person or by proxy, each share being entitled to one vote: *Provided*, That this corporation shall not be dissolved by reason that the annual election is not held at the time above mentioned. Directors.

Sec. 4. The said company be and they are hereby authorized to take immediate possession of the Grand River turnpike, from the city of Detroit to the said base line; that upon and within the lines of said turnpike it shall cause to be laid down a good and substantial plank road from Detroit to the said point where the base line intersects the said road, to be covered with sound plank not less than three inches in thickness, and not less than eighteen feet in length to be well fastened down to the said bed timbers, so as to make the same a Construction

good plank road at all seasons of the year. Said company shall have power to cut a ditch on either or both sides of said road sufficiently deep to drain the water from said road; and the said road shall be completed in a good and workmanlike manner, and that the said ditches on either side, wherever other roads intersect the said plank road shall be so constructed and covered as to allow the convenient passage of carriages and sleighs.

Duty of directors.

Sec. 5. The directors of said company may call for and demand of the stockholders and subscribers for stock, all such sum or sums of money as are by them respectively subscribed, which said sum or sums, such stockholders and subscribers are hereby declared liable to pay at such times and in such proportions as the said directors shall deem best for the interest of the company. The said directors giving at least thirty days notice of such call or dividend in one newspaper in the village of Howell, and one in the city of Detroit, and in case of failure to pay the same the said directors may declare the shares of such subscribers or stockholders so failing forfeited, and such shares with all previous payments made thereon shall be thereby forfeited and become the property of said company.

May erect toll gates.

Sec. 6. As soon as the president and directors shall have completed the said road, or four miles thereof, it shall be lawful for the said president and directors to give notice thereof to the person administering the executive department of the government of this state, for the time being, who shall thereupon forthwith nominate and appoint three discreet freeholders commissioners, who are in no way interested in the said road, to view the same, and report to him in writing whether such part of the road is completed in a workmanlike manner, according to the intent and meaning of this act; and if the report shall be in the affirmative, it shall be the duty of the person administering the executive department of this state for the time being, and he is hereby required by license under his hand, and the seal of this state, to permit the said president and directors to make and erect one half toll gate upon and across said road, and as soon as four miles more of said road is completed, the said company may establish another half toll gate; and as soon as eleven miles of said road is completed, the said company may instead of one of said half toll gates, erect a full toll gate, and when the whole of said road is completed, the

said company may erect another half toll gate, so that when said road is finished there may be one full toll gate, and two half toll gates : *Provided*, That said half toll gates shall be the ends of said road, and the full toll gate near the centre of said road, to collect the dues and tolls hereinafter granted to the said corporation, from all persons travelling or using the same : *Provided, however*, That they shall not have on said road from Detroit to the point where the base line intersects the said road more than one gate for taking the whole toll, and two gates for taking half tolls.

Sec. 7. As soon as said road shall be completed, or so much thereof as is provided for in the preceding section, and permission as aforesaid granted to erect a gate or gates upon and across the same, it shall and may be lawful for said president and directors to appoint toll gatherers to collect and receive of and from all and every person and persons using said road, at said whole toll gates, and at each half toll gate in proportion, such tolls and duties, to wit : For every score of hogs or sheep, ten cents ; for every wagon drawn with two horses, mules or oxen, ten cents ; for every additional horse, mule, or or ox, three cents ; for every coach, pleasure wagon or pleasure carriage drawn by two horses, ten cents ; for every additional horse three cents ; for every chaise, sulky, or pleasure carriage drawn by one horse, six and a quarter cents, and for every additional horse, three cents ; for every cart drawn by two oxen, nine cents, and for every additional yoke of oxen, four cents ; for every horse or mule, rode, led or driven, four cents ; for every cart drawn by one horse, six cents ; for all sleighs or sleds drawn by one or more horses, mules, or oxen, half the toll for vehicles on wheels ; for every horse or mule and rider, six cents. And it shall and may be lawful for any toll gatherer to stop any person riding, leading or driving any horses, cattle or any sheep, or article named above in this section, as subject to pay toll, until the same be paid : *Provided, however*, That nothing in this act shall be construed to entitle the said corporation to demand or receive toll at any gate, of or from any person passing to or from public worship on Sundays, or going to or returning from funerals, or from any troops in the service of this State or the United States ; or for the transportation of any property belonging to the United States or to this State.

**Mile stones.** Sec. 8. The said corporation shall cause mile stones or posts to be erected and maintained, one for every mile of said road, from Detroit to the said base line, and on each stone or post shall be legibly marked or inserted, the distance the said post is from Detroit and if any person shall wilfully cut, injure or destroy said mile post, or said road itself, or shall pass the gates without payment of toll, such person or persons shall forfeit and pay [for every such offence twenty-five dollars, to be recovered by the said corporation in their corporate name, and for their benefit, in an action of debt, before any justice of the peace of the county where said offence is committed, or where the offender may be found; such offender or offenders shall also be liable to said company for all damages which said company shall sustain by reason of the commission of any wilful injury to said posts, or to said road.

**Toll gatherer.** Sec. 9. If any toll gatherer shall unreasonably detain or hinder any traveller or passenger at either of the said gates, or shall demand or receive more tolls than, by this act is established, he shall, for every such offence forfeit and pay twenty-five dollars, to be recovered by the person so unreasonably detained, for his own use, with costs of suit, before any justice of the peace in the county where such detention occurred: *Provided*, That if no goods and chattles can be found to satisfy said judgment and costs, then in that case the property of said company shall be liable to execution issued on said judgment, and the same may be taken on such execution in the same manner as if said execution was against said company in its corporate name.

Sec. 10. The said corporation shall cause to be posted up in some conspicuous place at each of the gates, a list of the tariff of tolls established by this act; if said corporation shall fail to post and keep up such list of tolls, for such neglect the company shall not be entitled to receive any tolls during such neglect.

**Shares.** Sec. 11. The shares of said plank road shall be deemed and considered to be personal property, and shall be transferable in such manner as the president and directors may direct.

Sec. 12. Whenever complaint shall be made to either of the three commissioners appointed in pursuance of the provisions of this act, that any part or parts of said road is out of repair, it shall be the duty of such commissioner to give notice to the other two commissioners who, with him, shall proceed to examine such part or parts of said road, and if the same shall, in the opinion of such commission-

ers, be out of repair, then the said commissioners shall give notice in writing of such defect, to the toll gatherer or person attending the gate nearest the place out of repair, and may also, in their discretion, in the said notice, order such gate or gates to be thrown open, and the said gate or gates, so ordered to be thrown open, shall after service of such notice as aforesaid, be open and remain open; and no tolls shall be demanded until after said road is put in complete repair; and if such keeper of the gate shall not immediately, after the receipt of said notice, open such gate, and keep the same open until such repairs are completed, or shall hinder or detain any person or persons in passing said gates, or shall take or demand any toll from any person or persons, after receiving such notice and until such repairs are completed as aforesaid, he shall forfeit and pay to the said person so detained as aforesaid, the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace in any county where said detention occurs, and the property of said company shall be liable on said judgment, and the same may be taken in any execution issued thereon in the same manner as if the same were against said company in its corporate name; and the said commissioners appointed under and by virtue of this act, shall receive, as a compensation for their services one dollar and fifty cents per day for every day they are employed, to be paid by the toll gatherer nearest to where the service was rendered, out of the moneys collected at such places; and in default of such payment, by said toll gatherer, the stockholders of said company shall individually, be liable to said commissioners. And said company shall make an annual report to the legislature of this state, of all receipts and expenditures of said company upon said road, which report shall be verified by the affidavit of the president of the company.

Sec. 13. The said board of directors shall keep a set of corporate books, open at all times to any or all of the stockholders, in which shall be entered the cost of the construction of said road and fixtures, and also the expenditures of said company, and all moneys by them received, and an accurate account of the same shall be submitted to the legislature, duly attested by the oath of the officers of said company whenever it shall be required, and the said directors shall make a semi-annual dividend to each and every stockholder of his proportion of the semi-annual profits, after deducting the expenses



of collecting said tolls and of repairing said road and the fixtures thereto appended.

**By-laws &c.** Sec. 14. And the said board of directors shall have power to establish such by-laws and regulations as may be necessary for the management of the affairs of said company, and may appoint a secretary and treasurer to the board, and may do all further acts necessary to carry into effect the objects of this incorporation.

**Construct'n.** Sec. 15. The said company, in taking possession of said road for the purpose of constructing the same, and in making such improvements thereon, shall not allow any obstructions or difficulties to prevent or impede the passage of travellers, coaches, waggons or vehicles of any description, while such improvements are going on, except such as are necessary and unavoidable, and that no unnecessary delay shall occur in the progress and completion of said road.

**When to be completed.** Sec. 16. If the said company shall not complete eleven miles of the said road within five years from the passage of this act, and the balance of it within five years from the passage hereof, or if either of the toll gates on said road shall be kept open for the period of two months after notice is given that said road is out of repair, agreeably to the provisions of the eleventh section of this act, then, and in either case, the power and privileges granted to said company by this act, shall cease and be null and void.

Sec. 17. This act shall take effect and be in force from and after its passage; and the said powers hereby conferred shall not be taken away from said company without good cause shown; and this act shall be and the same is hereby declared to be a public act and shall be favorably construed for the purposes hereby intended.

Approved March 12, 1841.

## No. 92.

**AN ACT** to provide for the current expenses of the State for the year one thousand eight hundred and forty-four.

**Salaries.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the following sums be, and the same are hereby appropriated out of the general fund for the current expenses of the state government for the year one thousand eight hundred and forty-four, viz: For the salaries of the Governor, the

associate justices of the supreme court, and the Chancellor, fifteen hundred dollars each; for the salary of the chief justice of the supreme court, sixteen hundred dollars; also, for the balance of the salary of said Chief Justice from July 18th, 1843, to January 1st, 1844, for which no appropriation has heretofore been made, forty-eight dollars and sixty-eight cents; for the salaries of the Judge of the district courts, Auditor General, Secretary of State, State Treasurer, and Commissioner of the land office, one thousand dollars each; and for the salary of the Attorney General, eight hundred dollars; for the salaries of the chief clerk of the Auditor General and the clerk of the State Treasurer, seven hundred dollars each; and for the salaries of the two assistant clerks for the Auditor General, six hundred dollars each; and for the salaries of the deputy Secretary of State, deputy Commissioner of the land office, and one clerk of the land office, five hundred dollars each; such officers respectively certifying that such deputies and clerks are necessary. For the salary of the Superintendent of Public Instruction, five hundred dollars; for the salary of the Adjutant General, three hundred dollars; for the salary of the recorder of the land office, four hundred dollars; for the salary of the State Geologist, one thousand dollars; for the salary of the State Topographer, eight hundred dollars; for the engraving and publishing of the maps of the state and counties, such sum as may be necessary, not exceeding one thousand dollars; for the current expenses of the geologist and topographical survey, such sum as may be necessary, not exceeding four hundred dollars; for the engraving for the final report of the State Geologist, five hundred dollars.

Sec. 2. The salaries above specified shall be payable quarterly, commencing from the first day of January of the present year, or at the same rates for fractional quarters.

Sec. 3. There is hereby appropriated so much money in addition to the amount already appropriated, to be paid out of the general fund, as may be necessary to pay the officers and members of the present legislature, the amounts that shall be due them respectively at the rates fixed by law.

Sec. 4. There shall be allowed to the member from Mackinac thirty days extra pay.

**Approp'n.** Sec. 5. There is hereby appropriated to be paid out of the general fund, the sum of five hundred dollars or so much thereof as may be necessary to pay the private secretary of the Governor, and the assistant librarian, each three dollars per day, during the time they are in the service of the state, the former to be paid on the certificate of the Governor, and the latter on that of the Secretary of State; also the sum of fifteen dollars each to the clerk of the House of Representatives, and secretary of the Senate, and the engrossing, enrolling and recording clerk of each house, for extra services performed during the present session of the legislature.

**Approp'n.** Sec. 6. That there is hereby appropriated to be paid out of the general fund, to James E. Platt, secretary of the Senate, and Augustine W. Hovey, clerk of the House of Representatives, for preparing for publication, making indexes, and superintending the publication of the journals and documents of each house respectively, for the present session, one hundred dollars each; to said James E. Platt, secretary of the Senate for recording and preparing for and superintending the publication of the executive journal of the present session, thirty dollars; and to Charles A. Mack, engrossing, enrolling and recording clerk of the Senate, one hundred and fifty dollars, and to William C. Pease, engrossing, enrolling and recording clerk of the House of Representatives, two hundred dollars, for making a fair journal of each house respectively for the present session, to be deposited in the office of the Secretary of State, to be paid on the certificate of the Secretary of State, that the services have been performed.

**Approp'n.** Sec. 7. That there be and is hereby appropriated out of the general fund the sum of fifteen hundred dollars to pay for the services of the acting professors of the university, on account of due salaries on equal shares, and that said sum be refunded to the general fund from the accruing interest fund of the university, at any time within one year, as the State Treasurer shall direct.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 12, 1844.

No. 93.

**AN ACT** to amend an act entitled “an act to provide for consolidating and revising the general laws of the State of Michigan.”

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the first section of the act entitled “an act to provide for consolidating and revising the general laws of the state of Michigan,” be, and the same is hereby amended by adding at the end thereof as follows: *Provided however*, That if the said chancellor and presiding judge of the first circuit shall consider it to be impracticable, or inconsistent with the discharge of their official duties, to act as members of such council or revision, the said commissioner shall prepare and arrange the laws as aforesaid, without the aid or direction of such council. Amended

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1844.

No. 94.

**AN ACT** to punish officers, clerks, agents and servants of incorporated bodies for certain frauds in office.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if any officer, clerk, agent or servant of any body politic and corporate, or of any incorporated body, company, town, township, village or city, shall at any time have received, in any manner or capacity, any money, bank bill, bank note, promissory note, bond, due bill, warrant, bill of exchange, order, check, draft, certificate, books of account, contract, receipt, valuable security, writing for the conveyance of real or personal property, or property of any kind, which shall belong to or be the property in law or equity of such body politic, incorporate, incorporated body, company, town, township, village or city,, and shall at any time willfully neglect or refuse to pay or deliver over the same upon demand to any proper officer, agent or attorney of such body politic and corporate, incorporated body, company, town, township, village or Punishment for certain offences.

city or in the manner prescribed by any law, by-law or ordinance, or if he shall at any time fraudulently convert to his use or to the use of another, or secrete the same with intent so fraudulently to convert the same, he shall be deemed guilty of larceny, and may be punished by fine not exceeding five thousand dollars, or for imprisonment to the state prison not exceeding ten years.

What proof  
required.

Sec. 2. That proof of the defendant acting as such officer, clerk, agent, or servant, shall be sufficient proof to charge him of such upon his trial for any offence created in the foregoing section, and upon such trial, it shall not be necessary for a conviction of the defendant to prove any of the property or things enumerated in the foregoing section as subject of larceny, to be of legal value, nor shall it be necessary to aver such value in the indictment, nor shall it be necessary to aver or prove that the defendant continued to be or to act as such servant, clerk, agent, or officer at the time of the neglect, refusal, conversion or secretion aforesaid.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 12, 1844.

### No. 95.

#### AN ACT to incorporate the Lapeer and Pontiac Turnpike Company.

Com'rs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jonathan R. White, Gustavis A. Griffin, and D. S. Pierce, be, and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Lapeer and Pontiac turnpike company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of receiving subscriptions to the capital stock of said company, first, giving thirty days' notice of the times and places of taking such subscriptions.

Sec. 2. The capital stock of said company shall be twenty thousand dollars, in shares of twenty-five dollars each; and as soon as two hundred shares of said stock shall be subscribed, the subscribers there-  
to, with such other persons as shall associate with them for that pur-

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pose, their successors and assigns shall be, and they are hereby created a body corporate and politic by the name and style of the Lapeer and Pontiac turnpike company, with perpetual succession; and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned and no further, and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy and exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act. Incorporated.

Sec. 3. If said corporation shall not, within two years after the passage of this act, commence the construction of said road, and shall not, within four years from the passage of this act, construct, finish, and put in operation the whole of said turnpike road, then the rights, privileges and powers of the said corporation shall be null and void, as far as it regards such parts of said road as shall not be finished within the periods limited by this act. Commence road.

Sec. 4. Whenever two hundred shares of the capital stock shall have been subscribed, if within two years from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days' public notice of such meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders, or a majority of them, shall elect three directors by ballot, a majority of whom shall be competent to manage the affairs of the said company, and said directors are empowered to elect one of their number president, and on all occasions, when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy. Shares.

Sec. 5. To continue the succession of president and directors of said company, three directors shall be chosen annually on the first Monday in October, at such place as may be appointed by the directors; and if any vacancy shall occur, by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company, or a majority of Directors.

them. The directors of said company shall hold their office until a new election of president and directors. All elections which are by this act, or by the by-laws of this company, to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

**Meeting.** Sec. 6. At the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the company; and at any meeting of the stockholders, a majority of those present, or by proxy, may require similar statements from the president and directors whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders a majority in value of all the stockholders in said company may remove from office any president, or any of the directors of said company and elect others in their stead: *Provided*, Notice of such intended removal has been given as required by a section of this act.

**Power of directors.** Sec. 7. The directors shall have power, and it shall be their duty to obtain by purchase or gift the right of way, sixty-six feet in width to survey and lay out said turnpike road, to construct or cause to be constructed said road, from the village of Lapeer to the village of Pontiac, thirty feet wide between the ditches, reduce the hills to a proper grade, build bridges &c, and whenever they shall have completed said road or ten miles of the same, commencing at Lapeer village thence southward by way of Farmers creek, it shall be lawful for said directors to give notice to the associate judges of said county of Lapeer, whenever said road is completed, and said judges shall examine said road and report in writing to the county clerk of such county, whether said road or ten miles of the same is completed in a workmanlike manner (according to the true intent and meaning of this act,) and it shall be the duty of the county clerk, so soon as the judges shall have filed in his office a certificate that the directors of said turnpike company have finished in a good workmanlike manner ten miles of said road, to issue under his hand and seal of office, permission to establish one full toll gate and two half toll gates, and on the completion of every five miles, and additional full toll gate or two half toll gates until in all they erect three full toll gates or equivalents: *Provided*, The said turnpike road shall be completed within five years from and after the passage of this act.

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Sec. 8. It shall be lawful for the said company to demand and receive the following rates of toll at the full gates, or half thereof as near as may be at the half toll gates, to wit: for every cart, waggon or carriage drawn by two horses, mules or oxen, ten cents, and for every additional horse, three cents, and for every cart, waggon or carriage drawn by one horse, five cents, for every horse rode or led, three cents, for every head of neat cattle driven, ten cents, for every twenty-five head of sheep or swine, ten cents.

Sec. 9. And the stockholders of said company shall be individual<sup>Liabls.</sup> ly liable for the debts and liabilities thereof, and may be sued either jointly or severally for the collection of the same; and such liability shall continue for the term of one year from the time they shall cease to be such stockholders as aforesaid.

Sec. 10. The legislature may at any time alter, amend or modify this act, or repeal the same for any abuse of the corporate power created by this act, and in case of the repeal of this act, or an abandonment of said turnpike by said company, the same shall become a public highway.

Approved March 12, 1844.

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### No. 96.

AN ACT to amend an act entitled "an act to provide for the assessment and collection of taxes," approved March 8, 1843, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section twenty-five of an act to provide for the assessment and collection of taxes, approved March 8th, 1843, be, and the same is hereby so amended that the taxes for county and township purposes, except for the payment of principal or interest on loans already contracted, shall never exceed one cent and four mills on the dollar upon the valuation, and of which the amount assessed for township tax shall not exceed six mills on the dollar of the valuation. <sup>Amended.</sup>

Sec. 2. Any person holding a certificate of purchase of university or primary school lands or occupying the same, shall be liable to be assessed therefor as if he were the actual owner thereof: *Provided,*



*however*, That the same shall be assessed as personal property and not as real estate, and the tax thereon shall be collected in the manner prescribed for the collection of taxes upon personal property.

Redeem  
lands.

Sec. 3. Owners and persons having a legal lien on any lands heretofore purchased by the state, at tax sale, and persons whose lands have become forfeited to the state in pursuance of such tax sale, may redeem the same at any time prior to the first day of October next, by paying to the State Treasurer on the certificate of the Auditor General the amount for which the same was sold, with fifteen per cent. interest from the time of sale to the day of redemption.

Duty of state  
treasurer.

Sec. 4. The State Treasurer is hereby authorized and required to redeem any and all parcels of lands sold to individuals for taxes for the year 1840, that have been purchased by the state for taxes of any previous year, and of which the title is now in the state, and where he may deem it for the interest of the state, in order to consolidate and render said interest more valuable, he is hereby authorized to exchange undivided portions of lands which have been purchased by the state at tax sale, for other undivided portions of land owned by individuals, and to deed the same on receiving proper conveyances of lands, to be received in exchange.

Sec. 5. Section thirty-nine of said act is hereby so amended as to require the township treasurer to deposit his tax roll and warrant with the county treasurer at the time of making his return, and not in the office of the township clerk of his township.

Amended.

Sec. 6 Section forty-seven of the act to which this is amendatory, is hereby so amended as to make the returns from the county treasurers, receivable by the Auditor General at any time during the month of March in each year, whether the said returns are forwarded prior to the first day of March, or at any time during the said month.

Sec. 7. Section twenty-five of the act to which this act is amendatory, is hereby amended by adding after the word "township" where it first occurs in the eighth line, the words "together with four per cent. for collection expenses." That section forty-two of said act be amended by striking out from the commencement of the fourth line down to and including the word "warrant" in the fifth line, and inserting, "shall retain from the moneys collected by him." He shall also be allowed by the county treasurer two per cent. on all

taxes returned: *Provided*, That no treasurer shall be allowed more than ten dollars for making his returns.

Sec. 8. There shall be published for eight weeks successively, next previous to the first Monday in October in each year, in one newspaper printed and published in each county in this state where any lands are to be sold for taxes, a full and accurate statement of such lands, the amount of tax due on each parcel, the interest thereon to the first day of October, together with the costs of advertising, postage, expense of sale, and returns thereof, and conveyances calculated on each description, by dividing such charges by the whole number of descriptions; and in case there is no such newspaper printed and published in the county, such statement shall be printed and published in an adjoining county and in case there is no newspaper printed and published in any adjoining county, then such statement shall be printed and published in the state paper. And after the year 1844, it shall be the duty of the county treasurer in any county of the state where any lands are to be offered for sale as herein provided, and for the present year of the Auditor General, to designate the newspaper in which such statement shall be printed and published, on or before the first day of April for the year 1844, and before the first day of March in each year thereafter, and not afterwards, unless the proprietor of each paper so designated neglect or refuse to print and publish such statement: *Provided*, That the cost of printing such statement shall not exceed thirty cents for each and every description of land so advertised: *And provided also*, That it shall be sufficient to describe lands assessed or sold for taxes, in the manner heretofore in use, by initial letters, abbreviations and figures: *And provided further*, That the lands delinquent for taxes for the year 1843, shall be advertised to be sold with the lands delinquent for taxes for the year 1844, on the first Monday of October 1845.

Published  
in newspaper.

Sec. 9. No printer shall be paid for printing any copy of the aforesaid statements, who does not forward to the Auditor General within twenty days after the last publication thereof an affidavit of such publication made by some person to whom the facts are known, and also that he has transmitted to each county treasurer by mail the two first numbers of his paper containing the said list of taxes as advertised.

Payment.

**Amended.** Sec. 10. The twenty-first section of the act to which this act is amendatory, be, and the same is hereby amended, by striking out of the fifth line of said section the words "first Monday of October," and by inserting in the place of said words the words "second Monday of October."

**Unpaid taxes.** Sec. 11. When land delinquent for unpaid taxes is sold, in case less than the whole parcel is sold, it shall be taken from the north side or north end of the tract (as the case may be,) and to be bounded south by the line to be drawn parallel to the northerly line of said tract.

Sec. 12. Sections forty-nine, fifty-seven, fifty-eight and fifty-nine of the act to which this act is amendatory, and all parts of acts contravening the provisions of this act, are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its passage.

Approved March 11, 1844.

# RESOLUTIONS.

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## No. 1.

**JOINT RESOLUTION** authorizing the Governor to appoint a private Secretary.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor be and he is hereby authorized to employ a private secretary during the present session of the legislature, who shall be allowed such compensation as the legislature may direct, not exceeding three dollars per day. <sup>Compensation.</sup>

Approved January 5, 1844.

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## No. 2.

**JOINT RESOLUTION** relative to an examination into the affairs of the Michigan Insurance Company of the city of Detroit.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Attorney General be required to examine <sup>To examine</sup> into and communicate to this legislature, whether, in his opinion, the "Michigan insurance company of the city of Detroit" have complied with the requirements of an act to amend an act entitled an act to incorporate the stockholders of the Michigan insurance company of Detroit; approved March 7th, 1843, and for other purposes.

Approved January 13, 1844.

## RESOLUTIONS.

## No. 3.

**JOINT RESOLUTION** proposing an amendment to the Constitution.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the amendment to the constitution, proposed by the joint resolution of the two houses, approved February sixth, **Amendm't.** eighteen hundred and forty-three, which is in the following words, to wit: Strike out of section four of article four, the words "on the first Monday of November, and on the following day," and insert the words "on the first Tuesday," so that the said section will read, "the Representatives shall be chosen annually on the first Tuesday of November, by the electors of the several counties or districts into which the state shall be divided for that purpose," be and the same is hereby agreed to.

Approved January 16, 1844

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## No. 4.

**JOINT RESOLUTION** relative to the fine imposed on General Jackson by Judge Hall.

*Whereas,* The fine of one thousand dollars imposed on General Andrew Jackson by Judge Hall, in the year one thousand eight hundred and fifteen, for the enforcement of martial law, and an alledged contempt of court, in New Orleans, during its invasion by the English, ought to be refunded. Therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators in the Congress of the United **Instruct'ns.** States be instructed, and our Representatives requested, to urge the enactment of a law by that body, directing the amount of the fine imposed by Judge Hall and paid by General Jackson, to be refunded to him with interest.

*Resolved,* That the Governor transmit copies of the above preamble and resolution to each of our Senators and Representatives.

Approved January 20, 1844.

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No. 5.

**JOINT RESOLUTION** instructing our Senators and requesting our Representatives in Congress, to ask for an appropriation of lands on the Grand River road.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress, be requested to use their best exertions to procure an appropriation of *lands owned by the United States, lying within the vicinity of the Grand River road, in Michigan, to repair and finish the said road.*

*Resolved,* That the Governor of the state be requested to forward copies of the foregoing resolution to each of our Senators and Representatives in Congress.

Approved January 24, 1844.

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No. 6.

**JOINT RESOLUTION** relative to the timber and other materials furnished for the construction of the Saginaw Canal.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the board of internal improvement be directed to enquire into the situation of the timber and other materials furnished for the construction of the Saginaw canal and if any of said timber and materials are found, to take measures to dispose of or preserve the same; also if any part or all of said timber or other materials shall be missing or taken away, that they take immediate measures (if the nature of the case shall require) to recover the same or its value.

B. of int.  
imp. to en-  
quire into.

Approved January 26, 1844.

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No 7.

**JOINT RESOLUTION** relative to a proposed amendment to the constitution of the State of Michigan.

*Whereas* an amendment to the constitution of this state was proposed by a joint resolution of the two houses of the legislature, approv-

ed February 6th, eighteen hundred and forty-three: *And whereas*, The said proposed amendment has been agreed to by a joint resolution of the two houses of this legislature, approved January sixteenth, eighteen hundred and forty-four. Therefore,

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That said proposed amendment, be, and the same is hereby submitted to the people of this state, for their decision at the next general election: And the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this state, in the same manner that he is now by law required to do in the case of an election of Governor and Lt. Governor; and the inspectors of election in the several towns in this state shall prepare a suitable box for the reception of ballots cast for and against such amendment. Each person voting for said amendment shall have written or printed on his ballot, the word "amendment;" and each person voting against it, the words "no amendment." The ballots shall in all respects be canvassed as the votes for Governor and Lieutenant Governor are by law required to be canvassed.

Approved January 27, 1844.

### No. 8.

#### **PREAMBLE and Joint Resolution relative to the construction of a road from Saginaw to Michilimackinac and Saut Ste. Marie.**

*Whereas*, The general government did authorize and complete the survey of a road from Saginaw to Michilimackinac, and whereas the lands lying between the mouth of the Saginaw river and the Saut de Ste Marie are yet owned by the United States: *And whereas*, The country alluded to will remain for years unsold and consequently unoccupied, unless a road through the country be opened: *And whereas*, It is for the best interests of the United States that said road should be made; that emigration may be directed to that region; that the public mails may be conveyed with more speed and safety, avoiding the dangerous and circuitous route of the lake shores; that the military posts of Fort Mackinac and Fort Brady, as well as the civil Departments of the government, may receive early information of mat-

## RESOLUTIONS.

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ters often of much importance : *And whereas*, The tone of public sentiment is undergoing a rapid change in regard to the value and importance of the upper Peninsula of Michigan, as developed through her mineral products, her ever abounding fisheries and other sources of national wealth and prosperity : *And whereas*, It is at present impossible to proceed to the country lying north of the mouth of the Saginaw river for the purposes of a settlement or transportation of supplies during at least six months, if not the whole of the year :— Therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our members in Congress be requested to procure a grant of lands or other appropriation for the construction of a road from Saginaw to Michilimackinac and Saut de Ste. Marie. <sup>Instruct'ns.</sup>

*Resolved*, That his Excellency the Governor be requested to forward a copy of the above preamble and resolution to each of our members in Congress.

Approved January 27, 1844.

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### No. 9.

**PREAMBLE and Joint resolution relative to constructing a ship canal around the falls of St. Mary's river at Saut de Ste Marie:**

*Whereas*, The construction of a ship canal around the falls of St. Mary's river, connecting Lake Superior with the lower lakes, is an important national work: Therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed, and our Representatives be requested, to co-operate with the Senators and Representatives of other states, interested in the accomplishment of the work, to obtain from Congress an appropriation for its construction by the general government. <sup>Instruct'ns.</sup>

*Resolved*, That his Excellency the Governor of the state, be requested to transmit a copy of the foregoing preamble and resolutions to each of the Senators and Representatives from this state.

Approved January 29, 1844.



## No. 10.

**A JOINT RESOLUTION** relative to the improvement of Grand River.

Section 1. *Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed and our Representatives be requested, to use their best exertions Instructi'ns. to procure the passage of a law, authorizing an appropriation of one hundred thousand acres of public land for the improvement of Grand River, from the village of Jackson to Lake Michigan.

Sec. 2. That his Excellency the Governor of this state be requested to transmit a copy of the foregoing resolution to each of the Senators and Representatives in Congress from this state.

Approved February 29, 1844.

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## No. 11.

**JOINT RESOLUTION** relative to the Tariff on R. R. iron.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed, and our Representatives requested to use their influence to repeal the law imposing a tariff on railroad iron. Instructi'ns.

Approved March 1, 1844.

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## No. 12.

**JOINT RESOLUTION** relative to a certain Bond.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the board of State Auditors be and they are hereby authorized to make such settlement with the county of Saginaw, or with the commissioners, agent or agents of said county, appointed, or to be for that purpose appointed by the board of supervisors thereof, as in their opinion shall be just and equitable of all matters connected with a certain bond for the payment of ten thousand dollars, given by the county aforesaid to the Saginaw City Bank, and by said bank transferred to the Superintendent of Public Instruction, and on such settlement as aforesaid, to assign, transfer, or discharge said State auditors to settle &c.

## RESOLUTIONS.

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bond, upon the payment of so much of the principal and interest thereon as said board of Auditors shall deem just and equitable, or upon the giving of a new bond for the same or such portion thereof as said board of Auditors shall in their discretion deem proper and that the officer having charge of said bond be and he is hereby required to deliver the same to said board of Auditors for the purposes aforesaid.

*Resolved*, That this resolution shall take effect and be in force from and after its passage.

Approved March 5, 1844.

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### No. 13.

#### **JOINT RESOLUTION relative to the payment of the contracts for state printing and binding.**

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Auditor General be, and he is hereby authorized and required to audit and allow the contractor or contractors for doing the state printing and binding under any contract entered into pursuant to the provisions of an act entitled "an act in relation to state printing," approved February sixth, eighteen-hundred and forty-three, such sum or sums as may be found due from time to time upon said contract, on certificate of the proper officer to whom the work may have been delivered, or other satisfactory evidence that the whole or part of any portion of said work has been performed, and to draw his warrant from time to time, for such sums as may be found due on said contracts, or either of them, which warrants the State Treasurer is hereby authorized to pay out of any moneys in the state treasury not otherwise appropriated. Printing.

Approved March 7, 1844.

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### No. 14.

#### **JOINT RESOLUTION.**

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the land office, be, and he is hereby directed to issue a certificate to Samuel Morgan of Lenawee

## RESOLUTIONS.

**Certificate.** county for the east half of the south east quarter of section sixteen, town six south, of range two east in the said county of Lenawee, at the sum of five dollars per acre ; and to apply the payments already made for said land in the same manner and to the same effect as they would have been applied had said certificate been issued under the act approved April thirteen, eighteen hundred and forty-one, entitled an act to reduce the price of university and school lands and for other purposes.

Approved March 7, 1844.

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 No. 15.

**JOINT RESOLUTION** authorizing the Agent of the State Prison, under the direction of the Inspectors thereof, to procure certain machinery to be used at said prison.

**Agent of state prison.** *Resolved by the Senate and House of Representatives of the State of Michigan,* That the agent of the state prison be, and he is hereby authorized and empowered, under the direction and supervision of the inspectors thereof, in case they shall deem it advisable and conducive to the interests of the state, to procure machinery for the manufacture of woolen cloths, similar in kind and quality to that which was destroyed by fire in the burning of the workshops at said prison on the eighth of August last, and to pay the expense thereof in the same manner as payment is made for the support of the prisoners confined in said prison, in amount not to exceed eight hundred dollars, and to grant the use thereof to Albert Walcott, or such other person as may enter into contract with said agent, for the employment of convicts at said prison, in the business aforesaid, and for such compensation as said inspectors shall deem reasonable.

Approved March 7, 1844.

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 No. 16.

**JOINT RESOLUTION** relative to the claims of Albert Elliot and John M. Van Aiken.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Commissioners of Internal Improvement be

## RESOLUTIONS.

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directed to examine into the claim of Albert Elliot and John M. Van Aiken, and to audit and allow such sum or sums as on examination shall appear just and equitable, both under their contract with the state and for services rendered by the day. Examines  
claim.

Approved March 7, 1844.

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### No. 17.

**JOINT RESOLUTION** appointing Z. Curtis a Commissioner to lay out a state road.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That Zimri Curtis, of the township of Addison Oakland county, be and he is hereby appointed a commissioner to assist in laying out and establishing a state road from the village of Rochester to the village of Lakeville, in Oakland county, and from thence to the county site of Lapeer county, agreeable to the provisions of an act approved March ninth, one thousand eight hundred and forty-three, in place of F. C. Clark. Appointed  
com'r.

Approved March 7, 1844.

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### No. 18.

**JOINT RESOLUTION** relative to the claim of C. W. Chapel, and John F. Hamlin and others.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Auditor General be, and he is hereby directed to draw his warrant in favor of C. W. Chapel on the internal improvement fund for the amount of two estimates, one dated November fifteenth, the other November twenty-ninth, eighteen hundred and forty-one, said estimates amounting to one thousand and one dollars and forty-eight cents, which warrant when so drawn, shall draw interest from the fifteenth of February, eighteen hundred and forty-two, and also draw his warrant for John F. Hamlin, on his claim for interest on two thousand two hundred and seventy-three dollars and thirty-two cents, from the fifteenth of February, eighteen hundred and forty-two to the date of the warrant; and also for Isaac Claims.

## RESOLUTIONS.

Kelly, William Beer and James Snook, for interest on three thousand three hundred and sixty-six dollars and seventy-four cents, from February fifteenth, eighteen hundred and forty-two, to February twenty-third, eighteen hundred and forty-three; and also for William Bronson, for interest on two hundred and eighty-two dollars and fifty cents from February fifteenth, eighteen hundred and forty-two, to April first, eighteen hundred and forty-three.

Approved March 8, 1844.

## No. 19.

**JOINT RESOLUTION** relative to a certain sum of money stolen from the Treasurer's office in the county of Shiawassee.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the sum of one thousand eight hundred and twelve dollars of the monies received by the treasurer of the county of Shiawassee, upon the sales of lands delinquent for taxes of the year eighteen hundred and thirty-nine and eighteen hundred and forty, in the month of October last, and which sum was stolen from the treasury of the said county on the night of the third of October last, shall not during the present year be withholden from the said county of Shiawassee, but the Auditor General shall allow, and the State Treasurer shall pay over to the treasurer of the said county of Shiawassee all monies due, or which may become due to the said county of Shiawassee from the treasury of this state during the present year on account of taxes which have been or hereafter may be returned to the Auditor General by said county treasurer delinquent for taxes: *Provided however,* That the payment to be made to the county treasurer aforesaid, in pursuance of this resolution, shall in no way be construed as an acknowledgment that the state is to suffer the loss of the money alledged to have been stolen.

Approved March 11, 1844.

## RESOLUTIONS.

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### No. 20.

#### JOINT RESOLUTION authorizing the Governor to have repairs made upon the capitol.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor be, and is hereby authorized to <sup>To make repairs.</sup> contract for such repairs upon the capitol as he may deem needful and proper, and pay for the same out of the contingent fund.

Approved March 11, 1844.

### No. 21.

#### JOINT RESOLUTION authorizing the Commissioner of the Land Office to issue certificates to certain persons named therein.

*Whereas,* James Parker, of the county of Kalamazoo, in the state of Michigan, did, on the fourteenth day of July, A. D. eighteen hundred and thirty-seven, become the purchaser of the following tracts of land, to wit :—The east half of the north west quarter, and the north east quarter of the south west quarter of section No. seventeen in township No. two south of range No. eleven west, in the county <sup>Preamble.</sup> aforesaid, containing one hundred and twenty acres, for which the usual certificate was issued by the Superintendent of Public Instruction, *and Whereas,* The said Parker paid, on the purchase of said lands, the sum of two hundred and forty dollars; also, the sum of four hundred and fifty-79-100 dollars, on the thirtieth day of November, A. D. eighteen hundred and thirty-eight, being in full for the first instalment due on the said lands; and the former sum of one hundred and thirty-four-50-100 dollars on the fourth day of December A. D. eighteen hundred and thirty-nine, and *Whereas,* The said Parker is fearful that he may not be able, by reason of infirmity and old age, to meet the residue of the payments as they become due on said contract :

*Resolved, Therefore by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the land office be authorized and instructed, if he shall find the statement of facts <sup>Issue certificate.</sup> set forth in the foregoing preamble to be correct, to issue two certifi-

## RESOLUTIONS.

ates for said lands, one to James Parker for the east half of said land and the other to Solomon Parker, (son of said James,) for the west half thereof: *Provided*, The same can be done without impairing the public interest.

Approved March 11, 1844.

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No. 22.

**JOINT RESOLUTION** instructing our Senators, and requesting our Representatives in Congress, relative to a modification of the present tariff law.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That our Senators in Congress be instructed, and our Representatives be requested, to vote for such a modification of the present tariff as may be necessary to produce a sufficient revenue for an economical administration of the government, and will operate as equally as may be upon the interests of the various sections of our common country.

Approved March 11, 1844.

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No. 23.

**JOINT RESOLUTION** for the relief of Wm. B. Wandell.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the land office be, and he is hereby authorized to re-instate Wm. B. Wandell in his purchase of the south east quarter of section number twenty-nine, township number four, (4) south of range number ten west, of university lands, and grant to the said Wm. B. Wandell, all the rights that he would now have been entitled, had the same not been forfeited: *Provided*, That said Wm. B. Wandell, shall within four months from the passage of this resolution, pay or cause to be paid to the Commissioner of the land office, all the interest that may be now due or shall become due and the principal that shall be due on said certificate of purchase: *And provided also*, That the university fund will not be in-

## RESOLUTIONS.

1844

jured thereby in the opinion of the Commissioner, and that said land has not since been sold by the state.

Approved March 11, 1844.

### No. 24.

#### JOINT RESOLUTION relative to settlement with Charles W. Millerd.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the board of state auditors be, and they are hereby authorized and required to make a just and equitable settlement with Charles W. Millerd for labor done on the Clinton and Kalamazoo canal, and in case they shall award any sum to the said Charles W. Millerd they are hereby authorized to certify the amount that shall be found to be due him, to the Auditor General, who shall draw his warrant on the internal improvement fund for the amount awarded him, and the State Treasurer is hereby authorized to pay said sum out of any money in the internal improvement fund not otherwise appropriated. To settle.

Approved March 11, 1844.

### No. 25.

#### JOINT RESOLUTION authorizing the Governor to appoint an agent to take charge of certain state property.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Governor is hereby authorized to appoint an agent for the state, whose duty it shall be to collect, preserve and properly store any and all tools, fixtures, materials, &c., connected with the state salt wells and belonging to the state—and file a schedule thereof in the office of the Secretary of State. And that said agent also collect and secure the boats, scows, implements and machinery connected with the improvement of the Grand River, and file a schedule of the same in the office of the board of internal improvement. Appoint an agent.

Approved March 11, 1844.



## RESOLUTIONS.

## No. 26.

## JOINT RESOLUTION relative to the claim of Ebenezer Westbrook.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the State Treasurer on the order of the Auditor General, be, and he is hereby directed to pay to Ebenezer Westbrook for arresting and bringing to justice James Scott, a sum not exceeding sixty dollars out of any money in the treasury not otherwise appropriated.

Approved March 11, 1844.

## No. 27.

## JOINT RESOLUTION relative to certain Ottawa Indians residing at L'Arbre Croche, on Lake Michigan.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That our Senators in Congress be instructed, and our Representatives requested, to exert their influence in obtaining for the Ottawa Indians residing at L'Arbre Croche, on Lake Michigan, the rights and privileges of American citizens.

*Resolved,* That the Governor be requested to forward a copy of the above resolution, together with the petition of the Ottawas, to each of our Senators and Representatives in Congress.

Approved March 11, 1844.

## No. 28.

## JOINT RESOLUTION relative to the claims of Farrand &amp; Higby, and John H. Dubois.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the board of state auditors be and they are hereby authorized and empowered to make a final settlement on just and equitable terms, with Phineas Farrand and Samuel Higby attorneys for Smith and Kelly, relative to certain certificates of indebtedness owned by the said Smith and Kelly, issued by Benjamin Porter, with-

## RESOLUTIONS.

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in the year eighteen hundred and thirty-nine, while acting commissioner for the building of the state prison ; also, the claim of John H. Dubois, and if the claims are found to be just, that the board of state auditors shall certify the amount so found to be due to the Auditor General, who shall draw his warrant on the treasury in favor of said Farrand & Higby, or John H. Dubois, or both, for the amount that may be found due. <sup>Claims.</sup>

Approved March 11, 1844.

### No. 29.

#### JOINT RESOLUTION relative to the distribution of the Session Laws, Journals, &c.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the officers and members of the present legislature, be and they are hereby entitled each to one copy of the session laws of eighteen hundred and forty-four, and the legislative journals and documents of said year, and that the Secretary of State is hereby required to forward the same to the several county clerks of this state, in the county in which the said officers and members may reside, for each officer and member, so soon as the same shall be published and ready for distribution. <sup>Officers and members entitled to laws.</sup>

Approved March 11, 1844.

### No. 30.

#### JOINT RESOLUTION authorizing a re-survey of the village of East Battle Creek.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the land office, be, and he is hereby authorized and instructed to direct a re-survey of the west half of section seven, town two south, of range seven west, and cause a plat of the village of East Battle Creek situated thereon, to be made according to the original plan upon which said village was laid out ; and the same to be recorded according to law. <sup>To be surveyed.</sup>

Approved March 11, 1844.

## RESOLUTIONS.

## No. 31.

## JOINT RESOLUTION relative to certain claims.

Com'r. and  
Treas'r con-  
stituted a  
committee.

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the state land office and the Treasurer of the state, be and they are hereby constituted a committee to investigate all claims growing out of the sales of the common school, university and internal improvement lands, and to report the facts upon which such claims are founded, with an opinion of the merits of each case, in each year to the legislature at its next session.

Approved March 12, 1844.

## No. 32.

## PREAMBLE and Joint Resolution relative to Oregon Territory.

Preamble,

*Whereas,* By right of prior discovery ; by subsequent exploration by Lewis and Clarke, under the direction of President Jefferson ; by settlement and occupation in eighteen hundred and eleven ; by the cession to the United States by Spain of all her right of territory in that quarter, north of the forty-second parallel of latitude ; by our succession, under the treaty of Louisiana, to all the French claim to the territory on that coast, and back of it ; and by territorial contiguity, the United States are entitled to the whole of that country on the Pacific Ocean, and running back to the Rocky Mountains, generally known by the name of Oregon : *And whereas,* Great Britain without any claim whatever to any portion of territory on the Pacific Ocean, through her Hudson Bay Fur Company, has occupied and fortified every important post on the Columbia river and elsewhere in that country, pushing out every American enterprise and settlement for purposes of trade or occupation, attempted in Oregon : *And under the auspices of her Fur Company, with the subservient instrumentality of the savages under their influence, it is said that hundreds of American citizens have lost their lives in their efforts to carry on trade, or to settle in that quarter : Therefore, be it*

*Resolved by the Senate and House of Representatives of the State of Michigan,* That the Senators in Congress from this state, be in-

## RESOLUTIONS.

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structed, and that the Representatives be requested, to use their exertions for the adoption of suitable measures to give Great Britain the requisite notice of the intention of the United States to annul the agreement entered into by the convention of the two powers in eighteen hundred and eighteen, renewed in eighteen hundred and twenty-seven, by which all territories claimed by the United States or Great Britain, between the Rocky Mountains and the Pacific, were with their harbors, bays and rivers, to be free and open to the vessels, citizens and subjects of both nations. Instructions.

*Resolved*, That it be recommended that prompt and energetic measures be adopted by the government of the United States to take and maintain the effectual occupation of the Territory of Oregon.

Approved March 11, 1844.

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### No. 33.

#### JOINT RESOLUTION relative to the accident on board the Princeton.

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the members of this legislature have received the mournful tidings of the death of the Secretary of State, the Secretary of the Navy, and other distinguished citizens of our republic, with feelings of the deepest sorrow, that in this dispensation of Divine Providence the nation has been bereft of some of her noblest sons, in the midst of their usefulness, and in the pride of manhood, and that we tender to their respective families and friends our heart-felt condolence for this sudden bereavement.

*Resolved*, That his excellency the Governor, be requested to communicate a copy of these proceedings to the President of the United States, the Secretary of State, Navy and War, and to the families of the deceased respectively. Governor to transmit resolution.

Approved March 11, 1844.

## RESOLUTIONS.

## No. 34.

**PREAMBLE and Joint Resolutions relative to Mons. Vattemare's system of International Literary Exchanges.**

*Preamble.* *Whereas*, Mons. Alexandre Vattemare, a citizen of France, has, with an unexampled zeal, devoted his time, his energies and his fortune to the philanthropic effort of establishing an intellectual confederacy among the nations of the earth :

*And whereas*, His system of international literary exchanges is not only promotive of science and the improvement of literature and the arts, but is also, conducive to the fraternization of governments and the diffusion of civilization through the globe.

*And whereas*, The project has been approved by the chambers and ministers of France, by the congress of the United States and the legislatures of several of the states, and by the statesmen and literati of both nations: Be it therefore,

*Resolved by the Senate and House of Representatives of the State of Michigan*, That in grateful acknowledgment of his disinterested labors in the cause of humanity and civilization, and for the valuable works presented by him to the state, the thanks of the people of Michigan, are respectfully tendered to Mons. Alexandre Vattemare by the Representatives of the people in legislature convened.

*Governor.* *Resolved*, That his excellency the Governor, be and he hereby is authorized and requested to receive the parcel of books transmitted by Mons. Vattemare, through Lewis Cass, jr., Esq., to the state of Michigan, and also, the parcel consigned to E. Thayer & Co., forwarding merchants in the city of New York, and to place the same in the state library.

*Governor.* *Resolved*, That his excellency be and he hereby is further authorized and requested to transmit to Mons. Vattemare a copy of the revised statutes and session laws of the state of Michigan, together with the journals and documents of both houses of the legislature, and such maps of the several counties as are now completed.

*Geologist.* *Resolved*, That the State Geologist be and he hereby is authorized and requested to examine and report to the next legislature what duplicate specimens of the natural history of Michigan are in his department of the university.

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*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested to use their best efforts to obtain the appointment of Mons. Alexandre Vattemare as an agent of the general government to act in behalf of this state, with power to conduct literary exchanges between France and the United States. Instruct P. no

*Resolved*, That his excellency he and he is hereby requested to transmit a copy of these resolutions, and the report of the committee on education to Mons. Vattemare and to each of our Senators and Representatives in Congress. Governor.

Approved March 12, 1844.

AMERICAN MEDICAL ASSOCIATION  
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AMERICAN MEDICAL ASSOCIATION

# APPENDIX.

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## STATE TREASURER'S REPORT.

STATE TREASURER'S OFFICE, }  
Detroit, December 1st, 1843. }

*To the Legislature of the State of Michigan :*

In obedience to the requirements of law, I have the honor herewith to submit an abstract of the receipts and expenditures from the State Treasury, for the fiscal year ending on the 30th ult.

Schedule A exhibits a summary of the receipts and expenditures to or from the several funds, with which accounts are kept on the books of this office. The balance of cash on hand at the commencement of the fiscal year, as per last report, being \$70,522,29, and the excess of receipts over expenditures being \$15,267,26, leaves a balance on hand at the end of the fiscal year just closed, amounting to \$85, 789,55.

Amongst the expenditures are included \$44,518 for treasury notes destroyed, which would have been increased \$15,000 or more, had not about that amount of those received as proceeds of the Central railroad, been hypothecated by direction of the Board of Internal Improvement, as collateral security for certain payments on account of railroad iron purchased for the extension of the Southern and Central railroads. A large portion of the other treasury notes on hand will undoubtedly never be required to be reissued, but are not destroyed, as holders of outstanding warrants on the general fund may at any



moment demand, and under the act authorizing their issue, are entitled to receive these notes in payment of their warrants. Of the \$258,120 of treasury notes issued under the act of April, 1841, this leaves outstanding, and in the treasury, the sum of \$129,000, which, but for the causes above alluded to, might have been reduced to \$70,000 or 80,000. As forming part of the expenditures, is also included the reduction of the delinquent tax bonds issued to counties from over \$109,000 to about \$37,000, and the redemption of \$4,000 of the delinquent tax stock, since the sales of land for taxes in October.

Schedule B gives the aggregate debit and credit transactions of each fund, for the further details of which the legislature are respectfully referred to the report of the Auditor General, in whose office auxiliary books are kept, as required by law, showing the condition of each specific appropriation, the several sources of revenue, and items of expenditure under appropriate heads.

The ledger balances to the debit and credit of the several funds or accounts, at the close of the fiscal year, are given in the subjoined statement marked C.

The accounts heretofore kept on the books of this office, with "State Bonds," as never being of any service in that form, and as leading at present to an erroneous exhibit of our state indebtedness, has been closed; and in lieu thereof, there has been prepared and is herewith submitted, marked D, a statement of our indebtedness on account of the five million loan, (including the two hundred thousand dollars for the Ypsilanti and Tecumseh, and Allegan and Marshall railroad companies, negotiated in connection therewith,) up to and including July 1st, 1845, to which time provision was made by an act of last winter, apparently satisfactory to all our bona-fide bond holders, for the payment of interest since the failure of the United States Bank, on the bonds issued for that loan, for which the state had received consideration, by the issue of bonds receivable after July 1, 1845, for public state lands, and redeemable after 1850; and appended thereto is a schedule of our other outstanding state stocks.

Of the bonds issuable under the above act, amounting in all to the sum of \$367,832.40, there have been issued and registered in this office, No's 1 to 319, inclusive, generally of \$1,000 each, except for such fractions as the amount of each parcel of coupons surren-

dered, and the interest thereon, required, making an amount equal to \$316,648,80 ; and the coupons for a portion of the balance have been forwarded and are awaiting the preparation of the bonds. Of the original \$1,387,000 of five million loan bonds, sold by the Morris Canal Company, as Agent of the state, to bona-fide purchasers, and specified by their numbers in the first section of the above mentioned act of last winter, \$3,000 are held by the U. S. War Department, in trust for certain Indian tribes ; and the interest for 1842, and part of that for 1843, has been paid upon them, and will undoubtedly continue to be met from time to time, so that bonds for the coupons upon them will not be called for. And the U. States Bank, in addition to the \$3,813,000 of five million loan bonds delivered under the agreement for the purchase of the balance of the loan, hold also \$42,000 of the above \$1,387,000 paid for prior to that negotiation, which are all hypothecated by the bank with various houses in Europe, according to a schedule of the numbers and amounts given in a communication to the Executive in December last, and submitted to the last legislature :—And it is therefore uncertain whether new bonds for those \$42,000, or for the amount of the other bonds paid for and held by that bank, may be called for, but whether they are or not, is immaterial as to the amount of the real or acknowledged indebtedness of the state.

The interest for January and July last on the \$31,000 Delinquent Tax Stock originally issued, has been paid ; and as previously stated, \$4,000 of the principal has been redeemed from the proceeds of the tax sales in October.

The interest on the \$36,000 of general fund stock, held by individuals, which fell due in May and Nov. last, has also been paid :—on the balance of this stock, amounting to \$64,000, which is held by the U. S. War Department, the interest for 1843, and a portion of that for Nov. 1842, remains unpaid.

Warrants have been issued under an act of last winter, making the interest on the penitentiary stock payable out of the general fund, for the interest due in 1842 and 1843, on the first \$20,000 of that stock ; but there having been nothing for the time being but the treasury notes of 1841 to the credit of the general fund, wherewith

to meet said warrants, they remain unpaid amongst the outstanding warrants on that fund.

The interest on the University stock, for the past fiscal year, has been paid under a law of last winter, directly for the state treasury, out of monies received to the credit of the University Interest fund, as it had been indirectly for the previous year, by instructions from the Board of Regents of the University. Although the income of the University fund is found ample for that purpose, and can always be relied upon to meet the interest on the loan of \$100,000 to the University, yet it is to be regretted that this absorbs so large a portion of the otherwise available means of that important institution.

The only state stocks, for which no provision has been made or means appear at present to exist for the payment of interest, are those issued in behalf of the Detroit and Pontiac, and Palmyra and Jacksonburg railroad companies. Liens upon the roads constructed by or belonging to said companies, and other collateral securities were given to secure those loans, and provision made for the sale of the roads and franchises of each of said companies, in case of their failure to meet the payment of the principal or interest of their respective loans, when due; but by an act of Feb. 11, 1842, the former company were granted the privilege of four years, and the latter, two years, from the passage of the act to pay up their indebtedness on account of those loans; and as required by the same act, the collateral securities of the former company have been surrendered;—the conditions on which this was to be done, appearing to have been complied with. The interest since July, 1841, on the Detroit and Pontiac Railroad Stock, and since May 1841, on the Palmyra and Jacksonburg stock, remains unpaid either by the companies or the state, except on \$8,000 of the former held by the Treasurer of the United States for the Smithsonian fund, the interest on which for January and July 1842, and January 1843, has been paid by the state.

Appended to this report, marked E, is a table showing the aggregate amounts of warrants against the several funds outstanding on the 30th ult.

All of which is respectfully submitted,

JOHN J. ADAM,  
*State Treasurer.*

# APPENDIX.

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## ( A. )

*Receipts and Expenditures for the fiscal year commencing Decem<sup>r</sup>  
1st, 1842, and ending November 30th, 1843.*

### *Receipts.*

General fund, *	\$30,197 39
Delinquent tax fund,	195,674 52
Redemption account,	528 90
State building fund,	1,156 25
Primary school fund,	14,125 60
Primary school interest fund,	19,406 56
University fund,	1,992 84
University interest fund,	7,284 32
Internal Improvement fund,	99,257 08
Sinking fund,	33,333 36
Unavailable fund,	182 79
	<hr/>
	\$402,139 61

### *Expenditures.*

General fund,	\$75,923 50
Delinquent tax fund,	137,565 41
Redemption account,	15 40
Contingent fund,	472 23
Library fund,	17 38
Geological fund,	200 00
Bank fund,	182 79
Primary school fund,	2,545 53
Primary school interest fund,	20,878 26
University fund,	29 15
University interest fund,	7,396 55
Internal improvement fund,	93,968 51
Treasury notes,	44,518 00
Treasury notes interest,	3,159 64
	<hr/>
	\$386,872 35

\*The General Fund had not been credited for all that portion of state tax for 1842, paid by return of delinquent taxes to the office of the Auditor General, as at the commencement of the present fiscal year, in order to diminish the entries and transfers necessary in keeping the accounts as two separate funds on the general ledgers, the final result being the same, it was concluded to merge them into one general account.

## (B.)

*Aggregate debits and credits to the several funds and accounts, for fiscal year ending Nov. 30th, 1843.*

1843.	Cash.	DR.
To balance Nov. 30th, 1842,		\$70,522 29
To receipts to the several funds, Dec. 1, 1842,—		
Nov. 30, 1843,		\$402,139 61
		<u>\$472,661 90</u>
1843.	Cash.	CR.
By warrants, interest on stock, &c., paid Dec. 1,		
1842—Nov. 30, 1843,		\$386,872 35
By balance on hand,		85,789 55
		<u>\$472,661 90</u>
1843.	General Fund.	DR.
To cash, paid warrants, &c., Dec. 1, 1842—Nov.		
30, 1843,		\$75,923 50
To contingent fund, transfer under act No. 79,		
1843,		1,000 00
To bank fund, paid warrant on this fund,		182 79
To balance,		108,291 25
		<u>\$185,397 54</u>
1843.	General Fund.	CR.
By balance Nov. 30th, 1842,		\$10,327 48
“ cash, received Dec. 1, 1842—Nov. 30, 1843,		30,197 39
“ delinquent tax fund, for warrants paid from		
general fund,		134 50
“ do this amount paid to credit		
of delinquent tax fund,		81 71
“ do transfer under act No. 4,		
1843,		15,000 00
“ do office charges on taxes		
paid at this office,		3,337 76
Carried forward,		<u>\$59,078 84</u>

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Brought forward,	\$59,078 84
" do to balance account delin- quent tax fund,	124,973 22
" state prison fund, to balance account,	500 00
" Internal improvement fund, for interest paid on internal improvement stock,	41 27
" do to meet warrants drawn on general fund,	804 21
	<u>\$185,397 54</u>

1843. <i>Delinquent Tax Fund.</i>	<i>DR.</i>
To cash paid warrants,	\$137,565 41
" General fund, transfer per act No. 79, 1843, and for office charges, &c.,	18,553 97
" do to balance account,	124,973 22
	<u>\$281,092 60</u>

1843. <i>Delinquent Tax Fund.</i>	<i>CR.</i>
By balance Nov. 30th, 1842,	\$85,418 08
" cash received Dec. 1, 1841—Nov. 30, 1843,	195,674 52
	<u>\$281,092 60</u>

1843. <i>Redemption Account.</i>	<i>DR.</i>
To cash, paid warrant,	\$15 40
" balance,	513 50
	<u>\$528 90</u>

1843. <i>Redemption Account.</i>	<i>CR.</i>
By cash, for redemption of lands sold for taxes of 1840,	528 90

1843. <i>Contingent Fund.</i>	<i>DR.</i>
To cash, paid warrants,	\$472 23
" balance,	1,446 89
	<u>\$1,919 12</u>

1843.	<i>Contingent Fund.</i>	<i>CR.</i>
By balance Nov. 30th, 1842,		\$805 24
“ general fund, transfer under act No. 79, 1843,		1,000 00
“ Internal improvement fund, paid towards locating state lands, &c.,		113 88
		<hr/>
		\$1,919 12
		<hr/>
1843.	<i>Library Fund.</i>	<i>DR.</i>
To cash paid warrant,		\$17 38
“ balance,		3,078 84
		<hr/>
		\$3,095 72
		<hr/>
1843.	<i>Library Fund.</i>	<i>CR.</i>
By balance, Nov. 30th, 1842,		\$3,095 72
		<hr/>
1843.	<i>State Prison Fund.</i>	<i>DR.</i>
To general fund, to balance account,		\$500 00
		<hr/>
1843.	<i>State Prison Fund.</i>	<i>CR.</i>
By balance, Nov. 30th, 1842,		\$500 00
		<hr/>
1843.	<i>Geological Fund.</i>	<i>DR.</i>
To cash paid warrant,		\$200 00
		<hr/>
1843.	<i>Geological Fund.</i>	<i>CR.</i>
By balance, Nov. 30th, 1842,		\$200 00
		<hr/>
1843.	<i>State Building Fund.</i>	<i>DR.</i>
To balance,		\$2,727 44
		<hr/>
1843.	<i>State Building Fund.</i>	<i>CR.</i>
By balance, Nov. 30th, 1842,		\$1,571 19
“ cash received Dec. 1, 1842—Nov. 30, 1843,		1,156 25
		<hr/>
		\$2,727 44
		<hr/>
1843.	<i>Bank Fund.</i>	<i>DR.</i>
To cash paid warrant,		\$182 79
		<hr/>
1843.	<i>Bank Fund.</i>	<i>CR.</i>
By general fund, to meet warrant,		\$182 79
		<hr/>

## APPENDIX.

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1843.	<i>Primary School Fund.</i>	<i>DR.</i>
To cash paid Thos. Beals under act No. 106, 1840,		\$2,000 00
“ cash, paid warrant for taxes on forfeited school lands, &c.,		545 53
“ balance,		41,245 23
		<u>\$43,790 76</u>

1843.	<i>Primary School Fund.</i>	<i>CR.</i>
By balance, Nov. 30, 1842,		\$29,865 16
“ cash, received Dec. 1, 1842—Nov. 30, 1843,		14,125 60
		<u>\$43,790 76</u>

1843.	<i>Primary School Interest Fund.</i>	<i>DR.</i>
To cash paid warrants,		\$20,878 26
“ balance,		7,298 13
		<u>\$28,176 39</u>

1843.	<i>Primary School Interest Fund.</i>	<i>CR.</i>
By balance, Nov. 30, 1842,		\$8,769 83
“ cash, received Dec. 1, 1842—Nov. 30, 1843,		19,406 56
		<u>\$28,176 39</u>

1843.	<i>University Fund.</i>	<i>DR.</i>
To cash, paid taxes on forfeited university lands,		\$29 15
“ balance,		6,484 36
		<u>\$6,513 51</u>

1843.	<i>University Fund.</i>	<i>CR.</i>
By balance, Nov. 30th, 1842,		\$4,520 67
“ cash, received Dec. 1, 1842—Nov. 30, 1843,		1,992 84
		<u>\$6,513 51</u>

1843.	<i>University Interest Fund.</i>	<i>DR.</i>
To cash, paid interest on stock, and treasurer of university,		\$7,396 55



Brought forward,	\$85,901 78
Internal Improvement fund,	194,860 14
Treasury notes, interest,	10,323 22
	<hr/>
	\$291,085 14
	<hr/>

## CR.

General fund,	\$108,291 25
Redemption account,	513 50
Contingent fund,	1,446 89
Library fund,	3,078 34
State Building fund,	2,727 44
Primary school fund,	41,245 23
Primary school interest fund,	7,298 13
University fund,	6,484 36
Treasury notes,	120,000 00
	<hr/>
	\$291,085 14
	<hr/>

## (D.)

*State indebtedness on account of Five Million Loan, including interest, bonds, and interest to July 1, 1845.*

Bonds sold by Morris Canal Co., as Agent of the state, and paid for, specified by numbers and amounts in section one, act No. 73, laws of 1843,	\$1,387,000 00
Bonds issuable under above act for interest on above, to July 1, 1845,	367,832 40
Amount paid by U. S. Bank and Morris Canal Co. on the \$3,813,000 delivered to them under agreement for purchase of balance of five million loan (including the \$200,000 issued for the Ypsilanti and Tecumseh, and Allegan and Marshall railroad companies,) deducting damages	
	<hr/>
Carried forward,	1,754,832 40

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Brought forward,		\$1,754,832 40
claimed under act No. 60 and joint resolution No. 28, 1842,		955,960 25
Interest for same, to July 1, 1845, as per act No. 73, 1843,		253,520 66
Amount received from Morris Canal Co., assets, June, 1843,	\$19,874 73	
Interest on same to July 1, 1845,	2,484 34	
		22,359 07
Amount received from Morris Canal Co., assets, October, 1843,	\$955 00	
Interest on same to July 1, 1845,	97 89	
		1,052 89
Total due on five million loan, so called, to July 1, 1845,*		\$2,987,725 27

## Other Outstanding State Stocks.

General fund stock,	\$100,000
Penitentiary stock,	60,000
Delinquent tax stock, (originally \$31,000)	27,000
University stock,	100,000
Detroit and Pontiac Railroad stock,	100,000
Palmyra and Jacksonburg railroad stock,	20,000
	<u>\$407,000</u>

## [E.]

### Warrants outstanding Nov. 30th, 1843.

Internal Improvement fund,	\$342,441 29
General fund, (including state prison and delin- quent tax funds.)	24,330 78
Primary school fund,	9,019 00
Primary school interest fund,	80 50
	<u>\$375,871 57</u>

\* From bonds issuable under act No. 73, 1843, and total due on five million loan, should be deducted \$720 for interest on \$3,000, five million loan bonds held by U. S. War Department, part of which has been paid, and the balance of which will be met or arranged from time to time, as it falls due.



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